

ASSEMBLY BILL

No. 944

Introduced by Assembly Member Ridley-Thomas

February 18, 2005

An act to amend Section 21641 of the Business and Professions Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 171b, 11106, 12001, 12035, 12036, 12070, 12072, 12076, 12078, 12082, 12084, 12086, and 12804 of, to amend, renumber, and add Sections 12071.1 and 12071.4 of, to add Sections 12071.2, 12071.3, 12071.5, 12071.6, and 12071.7 to, and to repeal and add Section 12071 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 944, as introduced, Ridley-Thomas. Firearms.

Existing law generally regulates the licensing and conduct of firearms dealers.

This bill would reorganize those provisions.

Existing law requires firearms dealers to post certain warnings pertaining to firearms at their place of business.

This bill would require an additional warning regarding the dangers of firearms in the home, as specified.

Existing law authorizes the Department of Justice to determine, as specified, how certain required information pertaining to firearms transactions shall be submitted by firearms dealers to the department, and describes other documents pertaining to firearms transactions.

This bill would require all firearms sales contracts to have the warning conspicuously printed on the first page of the contract.

Existing law, subject to exceptions, generally requires persons purchasing handguns to obtain a handgun safety certificate, as specified. Existing law authorizes the Department of Justice to

develop an instructional manual for purposes of obtaining the certificate, and to make the manual available to the public.

This bill would require any firearms sales contracts contained in the instructional manual to have conspicuously printed on the front page, the specified warning pertaining to the dangers of firearms in the home.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21641 of the Business and Professions
2 Code is amended to read:

3 21641. (a) The chief of police, the sheriff or, where
4 appropriate, the police commission, shall accept an application
5 for and grant a license permitting the licensee to engage in the
6 business of secondhand dealer, as defined in Section 21626, to an
7 applicant who has not been convicted of an attempt to receive
8 stolen property or any other offense involving stolen property.
9 Prior to the granting of a license, the licensing authority shall
10 submit the application to the Department of Justice. If the
11 Department of Justice does not comment on the application
12 within 30 days thereafter, the licensing authority may grant the
13 applicant a license. All forms for application and licensure, and
14 license renewal, shall be prescribed and provided by the
15 Department of Justice. A fee may be charged to the applicant as
16 specified by the Department of Justice and the local licensing
17 authority for processing the initial license application.

18 (b) For the purposes of this section, “convicted” means a plea
19 or verdict of guilty or a conviction following a plea of nolo
20 contendere.

21 (c) Notwithstanding subdivisions (a) and (b), no person shall
22 be denied a secondhand dealer’s license solely on the grounds
23 that he or she violated any provision contained in Article 4
24 (commencing with Section 21625) or Article 5 (commencing
25 with Section 21650) of this chapter, or any provision contained in
26 Chapter 2 (commencing with Section 21200) of Division 8 of the
27 Financial Code, unless the violation demonstrates a pattern of
28 conduct.

(d) Any person licensed as a firearms dealer pursuant to Section 12071 of the Penal Code, who is conducting business at gun shows or events pursuant to ~~subparagraph (B) of paragraph (1) of subdivision (b) of Section 12071~~ 12071.1 of the Penal Code, and who has a valid secondhand dealer license granted by the appropriate local authorities in the jurisdiction where the firearms dealer license has been granted, shall be authorized to conduct business as a secondhand dealer at any gun show or event, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, or its successor, without regard to the jurisdiction within this state that issued the secondhand dealer license pursuant to subdivision (a) of this section. No additional fees or separate secondhand dealer license shall be required by any agency having jurisdiction over the locality where the gun show or event is conducted. However, the person shall otherwise be subject to, and comply with, the requirements of this article when he or she acts as a secondhand dealer at the gun show or event to the same extent as if he or she were licensed as a secondhand dealer in the jurisdiction in which the gun show or event is being conducted.

SEC. 2. Section 12101 of the Health and Safety Code is amended to read:

12101. (a) No person shall do any one of the following without first having made application for and received a permit in accordance with this section:

- (1) Manufacture explosives.
- (2) Sell, furnish, or give away explosives.
- (3) Receive, store, or possess explosives.
- (4) Transport explosives.
- (5) Use explosives.
- (6) Operate a terminal for handling explosives.
- (7) Park or leave standing any vehicle carrying explosives, except when parked or left standing in or at a safe stopping place designated as such by the Department of the California Highway Patrol under Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Application for a permit shall be made to the appropriate issuing authority.

1 (c) (1) A permit shall be obtained from the issuing authority
2 having the responsibility in the area where the activity, as
3 specified in subdivision (a), is to be conducted.

4 (2) If the person holding a valid permit for the use or storage
5 of explosives desires to purchase or receive explosives in a
6 jurisdiction other than that of intended use or storage, the person
7 shall first present the permit to the issuing authority in the
8 jurisdiction of purchase or receipt for endorsement. The issuing
9 authority may include any reasonable restrictions or conditions
10 which the authority finds necessary for the prevention of fire and
11 explosion, the preservation of life, safety, or the control and
12 security of explosives within the authority's jurisdiction. If, for
13 any reason, the issuing authority refuses to endorse the permit
14 previously issued in the area of intended use or storage, the
15 authority shall immediately notify both the issuing authority who
16 issued the permit and the Department of Justice of the fact of the
17 refusal and the reasons for the refusal.

18 (3) Every person who sells, gives away, delivers, or otherwise
19 disposes of explosives to another person shall first be satisfied
20 that the person receiving the explosives has a permit valid for
21 that purpose. When the permit to receive explosives indicates
22 that the intended storage or use of the explosives is other than in
23 that area in which the permittee receives the explosives, the
24 person who sells, gives away, delivers, or otherwise disposes of
25 the explosives shall insure that the permit has been properly
26 endorsed by a local issuing authority and, further, shall
27 immediately send a copy of the record of sale to the issuing
28 authority who originally issued the permit in the area of intended
29 storage or use. The issuing authority in the area in which the
30 explosives are received or sold shall not issue a permit for the
31 possession, use, or storage of explosives in an area not within the
32 authority's jurisdiction.

33 (d) In the event any person desires to receive explosives for
34 use in an area outside of this state, a permit to receive the
35 explosives shall be obtained from the State Fire Marshal.

36 (e) A permit may include any restrictions or conditions which
37 the issuing authority finds necessary for the prevention of fire
38 and explosion, the preservation of life, safety, or the control and
39 security of explosives.

1 (f) A permit shall remain valid only until the time when the act
2 or acts authorized by the permit are performed, but in no event
3 shall the permit remain valid for a period longer than one year
4 from the date of issuance of the permit.

5 (g) Any valid permit which authorizes the performance of any
6 act shall not constitute authorization for the performance of any
7 act not stipulated in the permit.

8 (h) An issuing authority shall not issue a permit authorizing
9 the transportation of explosives pursuant to this section if the
10 display of placards for that transportation is required by Section
11 27903 of the Vehicle Code, unless the driver possesses a license
12 for the transportation of hazardous materials issued pursuant to
13 Division 14.1 (commencing with Section 32000) of the Vehicle
14 Code, or the explosives are a hazardous waste or extremely
15 hazardous waste, as defined in Sections 25117 and 25115 of the
16 Health and Safety Code, and the transporter is currently
17 registered as a hazardous waste hauler pursuant to Section 25163
18 of the Health and Safety Code.

19 (i) An issuing authority shall not issue a permit pursuant to
20 this section authorizing the handling or storage of division 1.1,
21 1.2, or 1.3 explosives in a building, unless the building has
22 caution placards which meet the standards established pursuant
23 to subdivision (g) of Section 12081.

24 (j) (1) A permit shall not be issued to a person who meets any
25 of the following criteria:

26 (A) He or she has been convicted of a felony.

27 (B) He or she is addicted to a narcotic drug.

28 (C) He or she is in a class prohibited by Section 8100 or 8103
29 of the Welfare and Institutions Code or Section 12021 or 12021.1
30 of the Penal Code.

31 (2) For purposes of determining whether a person meets any of
32 the criteria set forth in this subdivision, the issuing authority shall
33 obtain two sets of fingerprints on prescribed cards from all
34 persons applying for a permit under this section and shall submit
35 these cards to the Department of Justice. The Department of
36 Justice shall utilize the fingerprint cards to make inquiries both
37 within this state and to the Federal Bureau of Investigation
38 regarding the criminal history of the applicant identified on the
39 fingerprint card.

1 This paragraph does not apply to any person possessing a
2 current certificate of eligibility issued pursuant to ~~paragraph (4)~~
3 ~~of subdivision (a) of~~ Section 12071 or to any holder of a
4 dangerous weapons permit or license issued pursuant to Section
5 12095, 12230, 12250, 12286, or 12305 of the Penal Code.

6 (k) An issuing authority shall inquire with the Department of
7 Justice for the purposes of determining whether a person who is
8 applying for a permit meets any of the criteria specified in
9 subdivision (j). The Department of Justice shall determine
10 whether a person who is applying for a permit meets any of the
11 criteria specified in subdivision (j) and shall either grant or deny
12 clearance for a permit to be issued pursuant to the determination.
13 The Department of Justice shall not disclose the contents of a
14 person's records to any person who is not authorized to receive
15 the information in order to ensure confidentiality.

16 SEC. 3. Section 171b of the Penal Code is amended to read:

17 171b. (a) Any person who brings or possesses within any
18 state or local public building or at any meeting required to be
19 open to the public pursuant to Chapter 9 (commencing with
20 Section 54950) of Part 1 of Division 2 of Title 5 of, or Article 9
21 (commencing with Section 11120) of Chapter 1 of Part 1 of
22 Division 3 of Title 2 of, the Government Code, any of the
23 following is guilty of a public offense punishable by
24 imprisonment in a county jail for not more than one year, or in
25 the state prison:

- 26 (1) Any firearm.
27 (2) Any deadly weapon described in Section 653k or 12020.
28 (3) Any knife with a blade length in excess of four inches, the
29 blade of which is fixed or is capable of being fixed in an
30 unguarded position by the use of one or two hands.
31 (4) Any unauthorized tear gas weapon.
32 (5) Any taser or stun gun, as defined in Section 244.5.
33 (6) Any instrument that expels a metallic projectile, such as a
34 BB or pellet, through the force of air pressure, CO₂ pressure, or
35 spring action, or any spot marker gun or paint gun.

36 (b) Subdivision (a) shall not apply to, or affect, any of the
37 following:

- 38 (1) A person who possesses weapons in, or transports weapons
39 into, a court of law to be used as evidence.

1 (2) (A) A duly appointed peace officer as defined in Chapter
2 4.5 (commencing with Section 830) of Title 3 of Part 2, a retired
3 peace officer with authorization to carry concealed weapons as
4 described in subdivision (a) of Section 12027, a full-time paid
5 peace officer of another state or the federal government who is
6 carrying out official duties while in California, or any person
7 summoned by any of these officers to assist in making arrests or
8 preserving the peace while he or she is actually engaged in
9 assisting the officer.

10 (B) Notwithstanding subparagraph (A), subdivision (a) shall
11 apply to any person who brings or possesses any weapon
12 specified therein within any courtroom if he or she is a party to
13 an action pending before the court.

14 (3) A person holding a valid license to carry the firearm
15 pursuant to Article 3 (commencing with Section 12050) of
16 Chapter 1 of Title 2 of Part 4.

17 (4) A person who has permission to possess that weapon
18 granted in writing by a duly authorized official who is in charge
19 of the security of the state or local government building.

20 (5) A person who lawfully resides in, lawfully owns, or is in
21 lawful possession of, that building with respect to those portions
22 of the building that are not owned or leased by the state or local
23 government.

24 (6) A person licensed or registered in accordance with, and
25 acting within the course and scope of, Chapter 11.5 (commencing
26 with Section 7512) or Chapter 11.6 (commencing with Section
27 7590) of Division 3 of the Business and Professions Code who
28 has been hired by the owner or manager of the building if the
29 person has permission pursuant to paragraph (5).

30 (7) (A) A person who, for the purpose of sale or trade, brings
31 any weapon that may otherwise be lawfully transferred, into a
32 gun show conducted pursuant to Sections ~~12071.4~~ 12083.5 and
33 ~~12071.4~~ 12083.7.

34 (B) A person who, for purposes of an authorized public
35 exhibition, brings any weapon that may otherwise be lawfully
36 possessed, into a gun show conducted pursuant to Sections
37 ~~12071.4~~ 12083.5 and ~~12071.4~~ 12083.7.

38 (c) As used in this section, “state or local public building”
39 means a building that meets all of the following criteria:

(1) It is a building or part of a building owned or leased by the state or local government, if state or local public employees are regularly present for the purposes of performing their official duties. A state or local public building includes, but is not limited to, a building that contains a courtroom.

(2) It is not a building or facility, or a part thereof, that is referred to in Section 171c, 171d, 626.9, 626.95, or 626.10 of this code, or in Section 18544 of the Elections Code.

(3) It is a building not regularly used, and not intended to be used, by state or local employees as a place of residence.

SEC. 4. Section 11106 of the Penal Code is amended to read:

11106. (a) In order to assist in the investigation of crime, the prosecution of civil actions by city attorneys pursuant to paragraph (3) of subdivision (c), the arrest and prosecution of criminals, and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file a complete record of all copies of fingerprints, copies of licenses to carry firearms issued pursuant to Section 12050, information reported to the Department of Justice pursuant to Section 12053, dealers' records of sales of firearms, reports provided pursuant to Section 12072 or 12078, forms provided pursuant to Section 12084, reports provided pursuant to Section ~~12071~~ 12071.5 that are not dealers' records of sales of firearms, and reports of stolen, lost, found, pledged, or pawned property in any city or county of this state, and shall, upon proper application therefor, furnish this information to the officers referred to in Section 11105.

(b) (1) Notwithstanding subdivision (a), the Attorney General shall not retain or compile any information from reports filed pursuant to subdivision (a) of Section 12078 for firearms that are not handguns, from forms submitted pursuant to Section 12084 for firearms that are not handguns, or from dealers' records of sales for firearms that are not handguns. All copies of the forms submitted, or any information received in electronic form, pursuant to Section 12084 for firearms that are not handguns, or of the dealers' records of sales for firearms that are not handguns shall be destroyed within five days of the clearance by the Attorney General, unless the purchaser or transferor is ineligible to take possession of the firearm. All copies of the reports filed, or any information received in electronic form, pursuant to subdivision (a) of Section 12078 for firearms that are not

1 handguns shall be destroyed within five days of the receipt by the
2 Attorney General, unless retention is necessary for use in a
3 criminal prosecution.

4 (2) A peace officer, the Attorney General, a Department of
5 Justice employee designated by the Attorney General, or any
6 authorized local law enforcement employee shall not retain or
7 compile any information from a firearms transaction record, as
8 defined in ~~paragraph (5) of subdivision (c) of Section 12071~~
9 *12071.5*, for firearms that are not handguns unless retention or
10 compilation is necessary for use in a criminal prosecution or in a
11 proceeding to revoke a license issued pursuant to Section 12071.

12 (3) A violation of this subdivision is a misdemeanor.

13 (c) (1) The Attorney General shall permanently keep and
14 properly file and maintain all information reported to the
15 Department of Justice pursuant to Sections 12071, 12072, 12078,
16 12082, and 12084 or any other law, as to handguns and maintain
17 a registry thereof.

18 (2) The registry shall consist of all of the following:

19 (A) The name, address, identification of, place of birth (state
20 or country), complete telephone number, occupation, sex,
21 description, and all legal names and aliases ever used by the
22 owner or person being loaned the particular handgun as listed on
23 the information provided to the department on the Dealers'
24 Record of Sale, the Law Enforcement Firearms Transfer (LEFT),
25 as defined in Section 12084, or reports made to the department
26 pursuant to Section 12078 or any other law.

27 (B) The name and address of, and other information about, any
28 person (whether a dealer or a private party) from whom the
29 owner acquired or the person being loaned the particular handgun
30 and when the firearm was acquired or loaned as listed on the
31 information provided to the department on the Dealers' Record
32 of Sale, the LEFT, or reports made to the department pursuant to
33 Section 12078 or any other law.

34 (C) Any waiting period exemption applicable to the
35 transaction which resulted in the owner of or the person being
36 loaned the particular handgun acquiring or being loaned that
37 firearm.

38 (D) The manufacturer's name if stamped on the firearm,
39 model name or number if stamped on the firearm, and, if
40 applicable, the serial number, other number (if more than one

1 serial number is stamped on the firearm), caliber, type of firearm,
2 if the firearm is new or used, barrel length, and color of the
3 firearm.

4 (3) Information in the registry referred to in this subdivision
5 shall, upon proper application therefor, be furnished to the
6 officers referred to in Section 11105, to a city attorney
7 prosecuting a civil action, solely for use in prosecuting that civil
8 action and not for any other purpose, or to the person listed in the
9 registry as the owner or person who is listed as being loaned the
10 particular handgun.

11 (4) If any person is listed in the registry as the owner of a
12 firearm through a Dealers' Record of Sale prior to 1979, and the
13 person listed in the registry requests by letter that the Attorney
14 General store and keep the record electronically, as well as in the
15 record's existing photographic, photostatic, or nonerasable
16 optically stored form, the Attorney General shall do so within
17 three working days of receipt of the request. The Attorney
18 General shall, in writing, and as soon as practicable, notify the
19 person requesting electronic storage of the record that the request
20 has been honored as required by this paragraph.

21 SEC. 5. Section 12001 of the Penal Code is amended to read:

22 12001. (a) (1) As used in this title, the terms "pistol,"
23 "revolver," and "firearm capable of being concealed upon the
24 person" shall apply to and include any device designed to be used
25 as a weapon, from which is expelled a projectile by the force of
26 any explosion, or other form of combustion, and that has a barrel
27 less than 16 inches in length. These terms also include any device
28 that has a barrel 16 inches or more in length which is designed to
29 be interchanged with a barrel less than 16 inches in length.

30 (2) As used in this title, the term "handgun" means any
31 "pistol," "revolver," or "firearm capable of being concealed upon
32 the person."

33 (b) As used in this title, "firearm" means any device, designed
34 to be used as a weapon, from which is expelled through a barrel a
35 projectile by the force of any explosion or other form of
36 combustion.

37 (c) As used in Sections 12021, 12021.1, 12070, 12071,
38 12071.1, 12071.2, 12071.5, 12071.6, 12072, 12073, 12078,
39 12101, and 12801 of this code, and Sections 8100, 8101, and

8103 of the Welfare and Institutions Code, the term “firearm” includes the frame or receiver of the weapon.

(d) For the purposes of Sections 12025 and 12031, the term “firearm” also shall include any rocket, rocket propelled projectile launcher, or similar device containing any explosive or incendiary material whether or not the device is designed for emergency or distress signaling purposes.

(e) For purposes of Sections 12070, 12071, *12071.1*, *12071.2*, *12071.3*, *12071.5*, *12071.6*, and paragraph (8) of subdivision (a), and subdivisions (b), (c), (d), and (f) of Section 12072, the term “firearm” does not include an unloaded firearm that is defined as an “antique firearm” in Section 921(a)(16) of Title 18 of the United States Code.

(f) Nothing shall prevent a device defined as a “handgun,” “pistol,” “revolver,” or “firearm capable of being concealed upon the person” from also being found to be a short-barreled shotgun or a short-barreled rifle, as defined in Section 12020.

(g) For purposes of Sections 12551 and 12552, the term “BB device” means any instrument that expels a projectile, such as a BB or a pellet, not exceeding 6mm caliber, through the force of air pressure, gas pressure, or spring action, or any spot marker gun.

(h) As used in this title, “wholesaler” means any person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto who sells, transfers, or assigns firearms, or parts of firearms, to persons who are licensed as manufacturers, importers, or gunsmiths pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, or persons licensed pursuant to Section 12071, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms in furtherance of that purpose.

“Wholesaler” shall not include a manufacturer, importer, or gunsmith who is licensed to engage in those activities pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code or a person licensed pursuant to Section 12071 and the regulations issued pursuant thereto. A wholesaler also does not include those persons dealing exclusively in grips,

1 stocks, and other parts of firearms that are not frames or receivers
2 thereof.

3 (i) As used in Section ~~12071~~ 12071.2, 12071.4, or 12072, or
4 12084, “application to purchase” means any of the following:

5 (1) The initial completion of the register by the purchaser,
6 transferee, or person being loaned the firearm as required by
7 subdivision (b) of Section 12076.

8 (2) The initial completion of the LEFT by the purchaser,
9 transferee, or person being loaned the firearm as required by
10 subdivision (d) of Section 12084.

11 (3) The initial completion and transmission to the department
12 of the record of electronic or telephonic transfer by the dealer on
13 the purchaser, transferee, or person being loaned the firearm as
14 required by subdivision (c) of Section 12076.

15 (j) For purposes of Section 12023, a firearm shall be deemed
16 to be “loaded” whenever both the firearm and the unexpended
17 ammunition capable of being discharged from the firearm are in
18 the immediate possession of the same person.

19 (k) For purposes of Sections 12021, 12021.1, 12025, 12070,
20 12072, 12073, 12078, 12101, and 12801 of this code, and
21 Sections 8100, 8101, and 8103 of the Welfare and Institutions
22 Code, notwithstanding the fact that the term “any firearm” may
23 be used in those sections, each firearm or the frame or receiver of
24 the same shall constitute a distinct and separate offense under
25 those sections.

26 (l) For purposes of Section 12020, a violation of that section as
27 to each firearm, weapon, or device enumerated therein shall
28 constitute a distinct and separate offense.

29 (m) Each application that requires any firearms eligibility
30 determination involving the issuance of any license, permit, or
31 certificate pursuant to this title shall include two copies of the
32 applicant’s fingerprints on forms prescribed by the Department
33 of Justice. One copy of the fingerprints may be submitted to the
34 United States Federal Bureau of Investigation.

35 (n) As used in this chapter, a “personal handgun importer”
36 means an individual who meets all of the following criteria:

37 (1) He or she is not a person licensed pursuant to Section
38 12071.

1 (2) He or she is not a licensed manufacturer of firearms
2 pursuant to Chapter 44 (commencing with Section 921) of Title
3 18 of the United States Code.

4 (3) He or she is not a licensed importer of firearms pursuant to
5 Chapter 44 (commencing with Section 921) of Title 18 of the
6 United States Code and the regulations issued pursuant thereto.

7 (4) He or she is the owner of a pistol, revolver, or other
8 firearm capable of being concealed upon the person.

9 (5) He or she acquired that pistol, revolver, or other firearm
10 capable of being concealed upon the person outside of California.

11 (6) He or she moves into this state on or after January 1, 1998,
12 as a resident of this state.

13 (7) He or she intends to possess that pistol, revolver, or other
14 firearm capable of being concealed upon the person within this
15 state on or after January 1, 1998.

16 (8) The pistol, revolver, or other firearm capable of being
17 concealed upon the person was not delivered to him or her by a
18 person licensed pursuant to Section 12071 who delivered that
19 firearm following the procedures set forth in Section ~~12071~~
20 *12071.2* and subdivision (c) of Section 12072.

21 (9) He or she, while a resident of this state, had not previously
22 reported his or her ownership of that pistol, revolver, or other
23 firearm capable of being concealed upon the person to the
24 Department of Justice in a manner prescribed by the department
25 that included information concerning him or her and a
26 description of the firearm.

27 (10) The pistol, revolver, or other firearm capable of being
28 concealed upon the person is not a firearm that is prohibited by
29 subdivision (a) of Section 12020.

30 (11) The pistol, revolver, or other firearm capable of being
31 concealed upon the person is not an assault weapon, as defined in
32 Section 12276 or 12276.1.

33 (12) The pistol, revolver, or other firearm capable of being
34 concealed upon the person is not a machinegun, as defined in
35 Section 12200.

36 (13) The person is 18 years of age or older.

37 (o) For purposes of paragraph (6) of subdivision (n):

38 (1) Except as provided in paragraph (2), residency shall be
39 determined in the same manner as is the case for establishing
40 residency pursuant to Section 12505 of the Vehicle Code.

(2) In the case of members of the Armed Forces of the United States, residency shall be deemed to be established when he or she was discharged from active service in this state.

(p) As used in this code, “basic firearms safety certificate” means a certificate issued by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, prior to January 1, 2003.

(q) As used in this code, “handgun safety certificate” means a certificate issued by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6 of Title 2 of Part 4, as that article is operative on or after January 1, 2003.

(r) As used in this title, “gunsmith” means any person who is licensed as a dealer pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, who is engaged primarily in the business of repairing firearms, or making or fitting special barrels, stocks, or trigger mechanisms to firearms, or the agent or employee of that person.

SEC. 6. Section 12035 of the Penal Code is amended to read:

12035. (a) As used in this section, the following definitions apply:

(1) “Locking device” means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.

(2) “Loaded firearm” has the same meaning as set forth in subdivision (g) of Section 12031.

(3) “Child” means a person under 18 years of age.

(4) “Great bodily injury” has the same meaning as set forth in Section 12022.7.

(5) “Locked container” has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) (1) Except as provided in subdivision (c), a person commits the crime of “criminal storage of a firearm of the first degree” if he or she keeps any loaded firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child’s parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.

1 (2) Except as provided in subdivision (c), a person commits
2 the crime of “criminal storage of a firearm of the second degree”
3 if he or she keeps any loaded firearm within any premises that
4 are under his or her custody or control and he or she knows or
5 reasonably should know that a child is likely to gain access to the
6 firearm without the permission of the child’s parent or legal
7 guardian and the child obtains access to the firearm and thereby
8 causes injury, other than great bodily injury, to himself, herself,
9 or any other person, or carries the firearm either to a public place
10 or in violation of Section 417.

11 (c) Subdivision (b) shall not apply whenever any of the
12 following occurs:

13 (1) The child obtains the firearm as a result of an illegal entry
14 to any premises by any person.

15 (2) The firearm is kept in a locked container or in a location
16 that a reasonable person would believe to be secure.

17 (3) The firearm is carried on the person or within such a close
18 proximity thereto that the individual can readily retrieve and use
19 the firearm as if carried on the person.

20 (4) The firearm is locked with a locking device that has
21 rendered the firearm inoperable.

22 (5) The person is a peace officer or a member of the armed
23 forces or National Guard and the child obtains the firearm during,
24 or incidental to, the performance of the person’s duties.

25 (6) The child obtains, or obtains and discharges, the firearm in
26 a lawful act of self-defense or defense of another person, or
27 persons.

28 (7) The person who keeps a loaded firearm on any premise
29 that is under his or her custody or control has no reasonable
30 expectation, based on objective facts and circumstances, that a
31 child is likely to be present on the premises.

32 (d) Criminal storage of a firearm is punishable as follows:

33 (1) Criminal storage of a firearm in the first degree, by
34 imprisonment in the state prison for 16 months, or two or three
35 years, by a fine not exceeding ten thousand dollars (\$10,000), or
36 by both that imprisonment and fine; or by imprisonment in a
37 county jail not exceeding one year, by a fine not exceeding one
38 thousand dollars (\$1,000), or by both that fine and imprisonment.

39 (2) Criminal storage of a firearm in the second degree, by
40 imprisonment in a county jail not exceeding one year, by a fine

1 not exceeding one thousand dollars (\$1,000), or by both that
2 imprisonment and fine.

3 (e) If the person who allegedly violated this section is the
4 parent or guardian of a child who is injured or who dies as the
5 result of an accidental shooting, the district attorney shall
6 consider, among other factors, the impact of the injury or death
7 on the person alleged to have violated this section when deciding
8 whether to prosecute an alleged violation. It is the Legislature's
9 intent that a parent or guardian of a child who is injured or who
10 dies as the result of an accidental shooting shall be prosecuted
11 only in those instances in which the parent or guardian behaved
12 in a grossly negligent manner or where similarly egregious
13 circumstances exist. This subdivision shall not otherwise restrict,
14 in any manner, the factors that a district attorney may consider
15 when deciding whether to prosecute alleged violations of this
16 section.

17 (f) If the person who allegedly violated this section is the
18 parent or guardian of a child who is injured or who dies as the
19 result of an accidental shooting, no arrest of the person for the
20 alleged violation of this section shall occur until at least seven
21 days after the date upon which the accidental shooting occurred.

22 In addition to the limitation contained in this subdivision, a law
23 enforcement officer shall consider the health status of a child
24 who suffers great bodily injury as the result of an accidental
25 shooting prior to arresting a person for a violation of this section,
26 if the person to be arrested is the parent or guardian of the injured
27 child. The intent of this subdivision is to encourage law
28 enforcement officials to delay the arrest of a parent or guardian
29 of a seriously injured child while the child remains on
30 life-support equipment or is in a similarly critical medical
31 condition.

32 (g) (1) The fact that the person who allegedly violated this
33 section attended a firearm safety training course prior to the
34 purchase of the firearm that is obtained by a child in violation of
35 this section shall be considered a mitigating factor by a district
36 attorney when he or she is deciding whether to prosecute the
37 alleged violation.

38 (2) In any action or trial commenced under this section, the
39 fact that the person who allegedly violated this section attended a
40 firearm safety training course prior to the purchase of the firearm

1 that is obtained by a child in violation of this section, shall be
2 admissible.

3 (h) Every person licensed under Section 12071 shall post
4 within the licensed premises the notice required by ~~paragraph (7)~~
5 ~~of subdivision (b) of that section~~ *Section 12071.4*, disclosing the
6 duty imposed by this section upon any person who keeps a
7 loaded firearm.

8 SEC. 7. Section 12036 of the Penal Code is amended to read:

9 12036. (a) As used in this section, the following definitions
10 shall apply:

11 (1) "Locking device" means a device that is designed to
12 prevent the firearm from functioning and when applied to the
13 firearm, renders the firearm inoperable.

14 (2) "Child" means a person under the age of 18 years.

15 (3) "Off-premises" means premises other than the premises
16 where the firearm was stored.

17 (4) "Locked container" has the same meaning as set forth in
18 subdivision (d) of Section 12026.2.

19 (b) A person who keeps a pistol, revolver, or other firearm
20 capable of being concealed upon the person, loaded or unloaded,
21 within any premises that are under his or her custody or control
22 and he or she knows or reasonably should know that a child is
23 likely to gain access to that firearm without the permission of the
24 child's parent or legal guardian and the child obtains access to
25 that firearm and thereafter carries that firearm off-premises, shall
26 be punished by imprisonment in a county jail not exceeding one
27 year, by a fine not exceeding one thousand dollars (\$1,000), or
28 by both that imprisonment and fine.

29 (c) A person who keeps any firearm within any premises that
30 is under his or her custody or control and he or she knows or
31 reasonably should know that a child is likely to gain access to the
32 firearm without the permission of the child's parent or legal
33 guardian and the child obtains access to the firearm and
34 thereafter carries that firearm off-premises to any public or
35 private preschool, elementary school, middle school, high school,
36 or to any school-sponsored event, activity, or performance
37 whether occurring on school grounds or elsewhere, shall be
38 punished by imprisonment in a county jail not exceeding one
39 year, by a fine not exceeding five thousand dollars (\$5,000), or
40 by both that imprisonment and fine.

(d) A pistol, revolver, or other firearm capable of being concealed upon the person that a child gains access to and carries off-premises in violation of this section shall be deemed “used in the commission of any misdemeanor as provided in this code or any felony” for the purpose of subdivision (b) of Section 12028 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.

(e) This section shall not apply if any one of the following circumstances exists:

(1) The child obtains the pistol, revolver, or other firearm capable of being concealed upon the person as a result of an illegal entry into any premises by any person.

(2) The pistol, revolver, or other firearm capable of being concealed upon the person is kept in a locked container or in a location that a reasonable person would believe to be secure.

(3) The pistol, revolver, or other firearm capable of being concealed upon the person is locked with a locking device that has rendered the firearm inoperable.

(4) The pistol, revolver, or other firearm capable of being concealed upon a person is carried on the person within such a close range that the individual can readily retrieve and use the firearm as if carried on the person.

(5) The person is a peace officer or a member of the Armed Forces or National Guard and the child obtains the pistol, revolver, or other firearm capable of being concealed upon the person during, or incidental to, the performance of the person’s duties.

(6) The child obtains, or obtains and discharges, the pistol, revolver, or other firearm capable of being concealed upon the person in a lawful act of self-defense or defense of another person or persons.

(7) The person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(f) If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated this section when deciding

1 whether to prosecute the alleged violation. It is the Legislature's
2 intent that a parent or guardian of a child who is injured or who
3 dies as the result of an accidental shooting shall be prosecuted
4 only in those instances in which the parent or guardian behaved
5 in a grossly negligent manner or where similarly egregious
6 circumstances exist. This subdivision shall not otherwise restrict,
7 in any manner, the factors that a district attorney may consider
8 when deciding whether to prosecute alleged violations of this
9 section.

10 (g) If the person who allegedly violated this section is the
11 parent or guardian of a child who is injured or who dies as the
12 result of an accidental shooting, no arrest of the person for the
13 alleged violation of this section shall occur until at least seven
14 days after the date upon which the accidental shooting occurred.

15 In addition to the limitation contained in this subdivision, a law
16 enforcement officer shall consider the health status of a child
17 who suffers great bodily injury as the result of an accidental
18 shooting prior to arresting a person for a violation of this section,
19 if the person to be arrested is the parent or guardian of the injured
20 child. The intent of this subdivision is to encourage law
21 enforcement officials to delay the arrest of a parent or guardian
22 of a seriously injured child while the child remains on
23 life-support equipment or is in a similarly critical medical
24 condition.

25 (h) (1) The fact that the person who allegedly violated this
26 section attended a firearm safety training course prior to the
27 purchase of the firearm that is obtained by a child in violation of
28 this section shall be considered a mitigating factor by a district
29 attorney when he or she is deciding whether to prosecute the
30 alleged violation.

31 (2) In any action or trial commenced under this section, the
32 fact that the person who allegedly violated this section attended a
33 firearm safety training course prior to the purchase of the firearm
34 that is obtained by a child in violation of this section, shall be
35 admissible.

36 (i) Every person licensed under Section 12071 shall post
37 within the licensed premises the notice required by ~~paragraph (7)~~
38 ~~of subdivision (b) of that section~~ *Section 12071.4*, disclosing the
39 duty imposed by this section upon any person who keeps any
40 firearm.

SEC. 8. Section 12070 of the Penal Code is amended to read:

(a) No person shall sell, lease, or transfer firearms unless he or she has been issued a license pursuant to Section 12071. Any person violating this section is guilty of a misdemeanor.

(b) Subdivision (a) does not include any of the following:

(1) The sale, lease, or transfer of any firearm by a person acting pursuant to operation of law, a court order, or pursuant to the Enforcement of Judgments Law (Title 9 (commencing with Section 680.010) of Part 2 of the Code of Civil Procedure), or by a person who liquidates a personal firearm collection to satisfy a court judgment.

(2) A person acting pursuant to subdivision (e) of Section 186.22a or subdivision (c) of Section 12028.

(3) The sale, lease, or transfer of a firearm by a person who obtains title to the firearm by intestate succession or by bequest or as a surviving spouse pursuant to Chapter 1 (commencing with Section 13500) of Part 2 of Division 8 of the Probate Code, provided the person disposes of the firearm within 60 days of receipt of the firearm.

(4) The infrequent sale, lease, or transfer of firearms.

(5) The sale, lease, or transfer of used firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, at gun shows or events, as specified in ~~subparagraph (B) of paragraph (1) of subdivision (b) of Section 12071~~ 12071.1, by a person other than a licensee or dealer, provided the person has a valid federal firearms license and a current certificate of eligibility issued by the Department of Justice, as specified in Section 12071, and provided all the sales, leases, or transfers fully comply with subdivision (d) of Section 12072. However, the person shall not engage in the sale, lease, or transfer of used firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person at more than 12 gun shows or events in any calendar year and shall not sell, lease, or transfer more than 15 used firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person at any single gun show or event. In no event shall the person sell more than 75 used firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person in any calendar year.

1 A person described in this paragraph shall be known as a “Gun
2 Show Trader.”

3 The Department of Justice shall adopt regulations to administer
4 this program and shall recover the full costs of administration
5 from fees assessed applicants.

6 As used in this paragraph, the term “used firearm” means a
7 firearm that has been sold previously at retail and is more than
8 three years old.

9 (6) The activities of a law enforcement agency pursuant to
10 Section 12084.

11 (7) Deliveries, sales, or transfers of firearms between or to
12 importers and manufacturers of firearms licensed to engage in
13 business pursuant to Chapter 44 (commencing with Section 921)
14 of Title 18 of the United States Code and the regulations issued
15 pursuant thereto.

16 (8) The sale, delivery, or transfer of firearms by
17 manufacturers or importers licensed pursuant to Chapter 44
18 (commencing with Section 921) of Title 18 of the United States
19 Code and the regulations issued pursuant thereto to dealers or
20 wholesalers.

21 (9) Deliveries and transfers of firearms made pursuant to
22 Section 12028, 12028.5, or 12030.

23 (10) The loan of a firearm for the purposes of shooting at
24 targets, if the loan occurs on the premises of a target facility
25 which holds a business or regulatory license or on the premises
26 of any club or organization organized for the purposes of
27 practicing shooting at targets upon established ranges, whether
28 public or private, if the firearm is at all times kept within the
29 premises of the target range or on the premises of the club or
30 organization.

31 (11) Sales, deliveries, or transfers of firearms by
32 manufacturers, importers, or wholesalers licensed pursuant to
33 Chapter 44 (commencing with Section 921) of Title 18 of the
34 United States Code and the regulations issued pursuant thereto to
35 persons who reside outside this state who are licensed pursuant to
36 Chapter 44 (commencing with Section 921) of Title 18 of the
37 United States Code and the regulations issued pursuant thereto, if
38 the sale, delivery, or transfer is in accordance with Chapter 44
39 (commencing with Section 921) of Title 18 of the United States
40 Code and the regulations issued pursuant thereto.

(12) Sales, deliveries, or transfers of firearms by persons who reside outside this state and are licensed outside this state pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto to wholesalers, manufacturers, or importers, if the sale, delivery, or transfer is in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(13) Sales, deliveries, or transfers of firearms by wholesalers to dealers.

(14) Sales, deliveries, or transfers of firearms by persons who reside outside this state to persons licensed pursuant to Section 12071, if the sale, delivery, or transfer is in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and the regulations issued pursuant thereto.

(15) Sales, deliveries, or transfers of firearms by persons who reside outside this state and are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto to dealers, if the sale, delivery, or transfer is in accordance with Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(16) The delivery, sale, or transfer of an unloaded firearm by one wholesaler to another wholesaler if that firearm is intended as merchandise in the receiving wholesaler's business.

(17) The loan of an unloaded firearm or the loan of a firearm loaded with blank cartridges for use solely as a prop for a motion picture, television, or video production or entertainment or theatrical event.

(18) The delivery of an unloaded firearm that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, by a person licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto with a current certificate of eligibility issued pursuant to Section 12071 to a dealer.

(c) (1) As used in this section, "infrequent" means:

(A) For pistols, revolvers, and other firearms capable of being concealed upon the person, less than six transactions per calendar year. For this purpose, "transaction" means a single sale, lease, or

1 transfer of any number of pistols, revolvers, or other firearms
2 capable of being concealed upon the person.

3 (B) For firearms other than pistols, revolvers, or other firearms
4 capable of being concealed upon the person, occasional and
5 without regularity.

6 (2) As used in this section, “operation of law” includes, but is
7 not limited to, any of the following:

8 (A) The executor or administrator of an estate, if the estate
9 includes firearms.

10 (B) A secured creditor or an agent or employee thereof when
11 the firearms are possessed as collateral for, or as a result of, a
12 default under a security agreement under the Commercial Code.

13 (C) A levying officer, as defined in Section 481.140, 511.060,
14 or 680.260 of the Code of Civil Procedure.

15 (D) A receiver performing his or her functions as a receiver, if
16 the receivership estate includes firearms.

17 (E) A trustee in bankruptcy performing his or her duties, if the
18 bankruptcy estate includes firearms.

19 (F) An assignee for the benefit of creditors performing his or
20 her functions as an assignee, if the assignment includes firearms.

21 (G) A transmutation of property between spouses pursuant to
22 Section 850 of the Family Code.

23 (H) Firearms received by the family of a police officer or
24 deputy sheriff from a local agency pursuant to Section 50081 of
25 the Government Code.

26 (I) The transfer of a firearm by a law enforcement agency to
27 the person who found the firearm where the delivery is to the
28 person as the finder of the firearm pursuant to Article 1
29 (commencing with Section 2080) of Chapter 4 of Division 3 of
30 the Civil Code.

31 SEC. 9. Section 12071 of the Penal Code is repealed.

32 ~~12071. (a) (1) As used in this chapter, the term “licensee,”~~
33 ~~“person licensed pursuant to Section 12071,” or “dealer” means a~~
34 ~~person who has all of the following:~~

35 ~~(A) A valid federal firearms license.~~

36 ~~(B) Any regulatory or business license, or licenses, required~~
37 ~~by local government.~~

38 ~~(C) A valid seller’s permit issued by the State Board of~~
39 ~~Equalization.~~

1 ~~(D) A certificate of eligibility issued by the Department of~~
2 ~~Justice pursuant to paragraph (4).~~

3 ~~(E) A license issued in the format prescribed by paragraph (6).~~

4 ~~(F) Is among those recorded in the centralized list specified in~~
5 ~~subdivision (c).~~

6 ~~(2) The duly constituted licensing authority of a city, county,~~
7 ~~or a city and county shall accept applications for, and may grant~~
8 ~~licenses permitting, licensees to sell firearms at retail within the~~
9 ~~city, county, or city and county. The duly constituted licensing~~
10 ~~authority shall inform applicants who are denied licenses of the~~
11 ~~reasons for the denial in writing.~~

12 ~~(3) No license shall be granted to any applicant who fails to~~
13 ~~provide a copy of his or her valid federal firearms license, valid~~
14 ~~seller's permit issued by the State Board of Equalization, and the~~
15 ~~certificate of eligibility described in paragraph (4).~~

16 ~~(4) A person may request a certificate of eligibility from the~~
17 ~~Department of Justice and the Department of Justice shall issue a~~
18 ~~certificate to an applicant if the department's records indicate that~~
19 ~~the applicant is not a person who is prohibited from possessing~~
20 ~~firearms.~~

21 ~~(5) The department shall adopt regulations to administer the~~
22 ~~certificate of eligibility program and shall recover the full costs~~
23 ~~of administering the program by imposing fees assessed to~~
24 ~~applicants who apply for those certificates.~~

25 ~~(6) A license granted by the duly constituted licensing~~
26 ~~authority of any city, county, or city and county, shall be valid~~
27 ~~for not more than one year from the date of issuance and shall be~~
28 ~~in one of the following forms:~~

29 ~~(A) In the form prescribed by the Attorney General.~~

30 ~~(B) A regulatory or business license that states on its face~~
31 ~~"Valid for Retail Sales of Firearms" and is endorsed by the~~
32 ~~signature of the issuing authority.~~

33 ~~(C) A letter from the duly constituted licensing authority~~
34 ~~having primary jurisdiction for the applicant's intended business~~
35 ~~location stating that the jurisdiction does not require any form of~~
36 ~~regulatory or business license or does not otherwise restrict or~~
37 ~~regulate the sale of firearms.~~

38 ~~(7) Local licensing authorities may assess fees to recover their~~
39 ~~full costs of processing applications for licenses.~~

1 ~~(b) A license is subject to forfeiture for a breach of any of the~~
2 ~~following prohibitions and requirements:~~

3 ~~(1) (A) Except as provided in subparagraphs (B) and (C), the~~
4 ~~business shall be conducted only in the buildings designated in~~
5 ~~the license.~~

6 ~~(B) A person licensed pursuant to subdivision (a) may take~~
7 ~~possession of firearms and commence preparation of registers for~~
8 ~~the sale, delivery, or transfer of firearms at gun shows or events,~~
9 ~~as defined in Section 478.100 of Title 27 of the Code of Federal~~
10 ~~Regulations, or its successor, if the gun show or event is not~~
11 ~~conducted from any motorized or towed vehicle. A person~~
12 ~~conducting business pursuant to this subparagraph shall be~~
13 ~~entitled to conduct business as authorized herein at any gun show~~
14 ~~or event in the state without regard to the jurisdiction within this~~
15 ~~state that issued the license pursuant to subdivision (a), provided~~
16 ~~the person complies with (i) all applicable laws, including, but~~
17 ~~not limited to, the waiting period specified in subparagraph (A)~~
18 ~~of paragraph (3), and (ii) all applicable local laws, regulations,~~
19 ~~and fees, if any.~~

20 ~~A person conducting business pursuant to this subparagraph~~
21 ~~shall publicly display his or her license issued pursuant to~~
22 ~~subdivision (a), or a facsimile thereof, at any gun show or event,~~
23 ~~as specified in this subparagraph.~~

24 ~~(C) A person licensed pursuant to subdivision (a) may engage~~
25 ~~in the sale and transfer of firearms other than pistols, revolvers,~~
26 ~~or other firearms capable of being concealed upon the person, at~~
27 ~~events specified in subdivision (g) of Section 12078, subject to~~
28 ~~the prohibitions and restrictions contained in that subdivision.~~

29 ~~A person licensed pursuant to subdivision (a) also may accept~~
30 ~~delivery of firearms other than pistols, revolvers, or other~~
31 ~~firearms capable of being concealed upon the person, outside the~~
32 ~~building designated in the license, provided the firearm is being~~
33 ~~donated for the purpose of sale or transfer at an auction or similar~~
34 ~~event specified in subdivision (g) of Section 12078.~~

35 ~~(D) The firearm may be delivered to the purchaser, transferee,~~
36 ~~or person being loaned the firearm at one of the following places:~~

37 ~~(i) The building designated in the license.~~

38 ~~(ii) The places specified in subparagraph (B) or (C).~~

~~(iii) The place of residence of, the fixed place of business of, or on private property owned or lawfully possessed by, the purchaser, transferee, or person being loaned the firearm.~~

~~(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.~~

~~(3) No firearm shall be delivered:~~

~~(A) Within 10 days of the application to purchase, or, after notice by the department pursuant to subdivision (d) of Section 12076, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to subdivision (c) of Section 12076, whichever is later.~~

~~(B) Unless unloaded and securely wrapped or unloaded and in a locked container.~~

~~(C) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of his or her identity and age to the dealer.~~

~~(D) Whenever the dealer is notified by the Department of Justice that the person is in a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. The dealer shall make available to the person in the prohibited class a prohibited notice and transfer form, provided by the department, stating that the person is prohibited from owning or possessing a firearm, and that the person may obtain from the department the reason for the prohibition.~~

~~(4) No pistol, revolver, or other firearm or imitation thereof capable of being concealed upon the person, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.~~

~~(5) The licensee shall agree to and shall act properly and promptly in processing firearms transactions pursuant to Section 12082.~~

~~(6) The licensee shall comply with Sections 12073, 12076, and 12077, subdivisions (a) and (b) and paragraph (1) of subdivision (f) of Section 12072, and subdivision (a) of Section 12316.~~

1 ~~(7) The licensee shall post conspicuously within the licensed~~
2 ~~premises the following warnings in block letters not less than one~~
3 ~~inch in height:~~

4 ~~(A) “IF YOU KEEP A LOADED FIREARM WITHIN ANY~~
5 ~~PREMISES UNDER YOUR CUSTODY OR CONTROL, AND~~
6 ~~A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND~~
7 ~~USES IT, RESULTING IN INJURY OR DEATH, OR~~
8 ~~CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY~~
9 ~~OF A MISDEMEANOR OR A FELONY UNLESS YOU~~
10 ~~STORED THE FIREARM IN A LOCKED CONTAINER OR~~
11 ~~LOCKED THE FIREARM WITH A LOCKING DEVICE, TO~~
12 ~~KEEP IT FROM TEMPORARILY FUNCTIONING.”~~

13 ~~(B) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER~~
14 ~~FIREARM CAPABLE OF BEING CONCEALED UPON THE~~
15 ~~PERSON, WITHIN ANY PREMISES UNDER YOUR~~
16 ~~CUSTODY OR CONTROL, AND A PERSON UNDER 18~~
17 ~~YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND~~
18 ~~CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A~~
19 ~~MISDEMEANOR, UNLESS YOU STORED THE FIREARM~~
20 ~~IN A LOCKED CONTAINER, OR LOCKED THE FIREARM~~
21 ~~WITH A LOCKING DEVICE, TO KEEP IT FROM~~
22 ~~TEMPORARILY FUNCTIONING.”~~

23 ~~(C) “IF YOU KEEP ANY FIREARM WITHIN ANY~~
24 ~~PREMISES UNDER YOUR CUSTODY OR CONTROL, AND~~
25 ~~A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO~~
26 ~~THE FIREARM, AND CARRIES IT OFF-PREMISES TO A~~
27 ~~SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY~~
28 ~~BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE~~
29 ~~OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS~~
30 ~~YOU STORED THE FIREARM IN A LOCKED CONTAINER,~~
31 ~~OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”~~

32 ~~(D) “DISCHARGING FIREARMS IN POORLY~~
33 ~~VENTILATED AREAS, CLEANING FIREARMS, OR~~
34 ~~HANDLING AMMUNITION MAY RESULT IN EXPOSURE~~
35 ~~TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH~~
36 ~~DEFECTS, REPRODUCTIVE HARM, AND OTHER~~
37 ~~SERIOUS PHYSICAL INJURY. HAVE ADEQUATE~~
38 ~~VENTILATION AT ALL TIMES. WASH HANDS~~
39 ~~THOROUGHLY AFTER EXPOSURE.”~~

~~(E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM.”~~

~~(F) “NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD.”~~

~~(8) (A) Commencing April 1, 1994, and until January 1, 2003, no pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate.~~

~~(B) Commencing January 1, 2003, no dealer may deliver a handgun unless the person receiving the handgun presents to the dealer a valid handgun safety certificate. The firearms dealer shall retain a photocopy of the handgun safety certificate as proof of compliance with this requirement.~~

~~(C) Commencing January 1, 2003, no handgun may be delivered unless the purchaser, transferee, or person being loaned the firearm presents documentation indicating that he or she is a California resident. Satisfactory documentation shall include a utility bill from within the last three months, a residential lease, a property deed, or military permanent duty station orders indicating assignment within this state, or other evidence of residency as permitted by the Department of Justice. The firearms dealer shall retain a photocopy of the documentation as proof of compliance with this requirement.~~

~~(D) Commencing January 1, 2003, except as authorized by the department, no firearms dealer may deliver a handgun unless the recipient performs a safe handling demonstration with that~~

1 handgun. The demonstration shall commence with the handgun
2 unloaded and locked with the firearm safety device with which it
3 is required to be delivered, if applicable. While maintaining
4 muzzle awareness, that is, the firearm is pointed in a safe
5 direction, preferably down at the ground, and trigger discipline,
6 that is, the trigger finger is outside of the trigger guard and along
7 side of the handgun frame, at all times, the handgun recipient
8 shall correctly and safely perform the following:

9 (i) If the handgun is a semiautomatic pistol:

10 (I) Remove the magazine.

11 (II) Lock the slide back. If the model of firearm does not allow
12 the slide to be locked back, pull the slide back, visually and
13 physically check the chamber to ensure that it is clear.

14 (III) Visually and physically inspect the chamber, to ensure
15 that the handgun is unloaded.

16 (IV) Remove the firearm safety device, if applicable. If the
17 firearm safety device prevents any of the previous steps, remove
18 the firearm safety device during the appropriate step.

19 (V) Load one bright orange, red, or other readily identifiable
20 dummy round into the magazine. If no readily identifiable
21 dummy round is available, an empty cartridge casing with an
22 empty primer pocket may be used.

23 (VI) Insert the magazine into the magazine well of the firearm.

24 (VII) Manipulate the slide release or pull back and release the
25 slide.

26 (VIII) Remove the magazine.

27 (IX) Visually inspect the chamber to reveal that a round can be
28 chambered with the magazine removed.

29 (X) Lock the slide back to eject the bright orange, red, or other
30 readily identifiable dummy round. If the handgun is of a model
31 that does not allow the slide to be locked back, pull the slide back
32 and physically check the chamber to ensure that the chamber is
33 clear. If no readily identifiable dummy round is available, an
34 empty cartridge casing with an empty primer pocket may be
35 used.

36 (XI) Apply the safety, if applicable.

37 (XII) Apply the firearm safety device, if applicable. This
38 requirement shall not apply to an Olympic competition pistol if
39 no firearms safety device, other than a cable lock that the
40 department has determined would damage the barrel of the pistol,

1 has been approved for the pistol, and the pistol is either listed in
2 paragraph (2) of subdivision (h) of Section 12132 or is subject to
3 paragraph (3) of subdivision (h) of Section 12132.

4 (ii) If the handgun is a double-action revolver:

5 (I) Open the cylinder.

6 (II) Visually and physically inspect each chamber, to ensure
7 that the revolver is unloaded.

8 (III) Remove the firearm safety device. If the firearm safety
9 device prevents any of the previous steps, remove the firearm
10 safety device during the appropriate step.

11 (IV) While maintaining muzzle awareness and trigger
12 discipline, load one bright orange, red, or other readily
13 identifiable dummy round into a chamber of the cylinder and
14 rotate the cylinder so that the round is in the next-to-fire position.
15 If no readily identifiable dummy round is available, an empty
16 cartridge casing with an empty primer pocket may be used.

17 (V) Close the cylinder.

18 (VI) Open the cylinder and eject the round.

19 (VII) Visually and physically inspect each chamber to ensure
20 that the revolver is unloaded.

21 (VIII) Apply the firearm safety device, if applicable. This
22 requirement shall not apply to an Olympic competition pistol if
23 no firearms safety device, other than a cable lock that the
24 department has determined would damage the barrel of the pistol,
25 has been approved for the pistol, and the pistol is either listed in
26 paragraph (2) of subdivision (h) of Section 12132 or is subject to
27 paragraph (3) of subdivision (h) of Section 12132.

28 (iii) If the handgun is a single-action revolver:

29 (I) Open the loading gate.

30 (II) Visually and physically inspect each chamber, to ensure
31 that the revolver is unloaded.

32 (III) Remove the firearm safety device required to be sold with
33 the handgun. If the firearm safety device prevents any of the
34 previous steps, remove the firearm safety device during the
35 appropriate step.

36 (IV) Load one bright orange, red, or other readily identifiable
37 dummy round into a chamber of the cylinder, close the loading
38 gate and rotate the cylinder so that the round is in the next-to-fire
39 position. If no readily identifiable dummy round is available, an

1 ~~empty cartridge casing with an empty primer pocket may be~~
2 ~~used.~~

3 ~~(V) Open the loading gate and unload the revolver.~~

4 ~~(VI) Visually and physically inspect each chamber to ensure~~
5 ~~that the revolver is unloaded.~~

6 ~~(VII) Apply the firearm safety device, if applicable. This~~
7 ~~requirement shall not apply to an Olympic competition pistol if~~
8 ~~no firearms safety device, other than a cable lock that the~~
9 ~~department has determined would damage the barrel of the pistol,~~
10 ~~has been approved for the pistol, and the pistol is either listed in~~
11 ~~paragraph (2) of subdivision (h) of Section 12132 or is subject to~~
12 ~~paragraph (3) of subdivision (h) of Section 12132.~~

13 ~~(E) The recipient shall receive instruction regarding how to~~
14 ~~render that handgun safe in the event of a jam.~~

15 ~~(F) The firearms dealer shall sign and date an affidavit stating~~
16 ~~that the requirements of subparagraph (D) have been met. The~~
17 ~~firearms dealer shall additionally obtain the signature of the~~
18 ~~handgun purchaser on the same affidavit. The firearms dealer~~
19 ~~shall retain the original affidavit as proof of compliance with this~~
20 ~~requirement.~~

21 ~~(G) The recipient shall perform the safe handling~~
22 ~~demonstration for a department certified instructor.~~

23 ~~(H) No demonstration shall be required if the dealer is~~
24 ~~returning the handgun to the owner of the handgun.~~

25 ~~(I) Department certified instructors who may administer the~~
26 ~~safe handling demonstration shall meet the requirements set forth~~
27 ~~in subdivision (j) of Section 12804.~~

28 ~~(J) The persons who are exempt from the requirements of~~
29 ~~subdivision (b) of Section 12801, pursuant to Section 12807, are~~
30 ~~also exempt from performing the safe handling demonstration.~~

31 ~~(9) Commencing July 1, 1992, the licensee shall offer to~~
32 ~~provide the purchaser or transferee of a firearm, or person being~~
33 ~~loaned a firearm, with a copy of the pamphlet described in~~
34 ~~Section 12080 and may add the cost of the pamphlet, if any, to~~
35 ~~the sales price of the firearm.~~

36 ~~(10) The licensee shall not commit an act of collusion as~~
37 ~~defined in Section 12072.~~

38 ~~(11) The licensee shall post conspicuously within the licensed~~
39 ~~premises a detailed list of each of the following:~~

1 ~~(A) All charges required by governmental agencies for~~
2 ~~processing firearm transfers required by Sections 12076, 12082,~~
3 ~~and 12806.~~

4 ~~(B) All fees that the licensee charges pursuant to Sections~~
5 ~~12082 and 12806.~~

6 ~~(12) The licensee shall not misstate the amount of fees charged~~
7 ~~by a governmental agency pursuant to Sections 12076, 12082,~~
8 ~~and 12806.~~

9 ~~(13) The licensee shall report the loss or theft of any firearm~~
10 ~~that is merchandise of the licensee, any firearm that the licensee~~
11 ~~takes possession of pursuant to Section 12082, or any firearm~~
12 ~~kept at the licensee's place of business within 48 hours of~~
13 ~~discovery to the appropriate law enforcement agency in the city,~~
14 ~~county, or city and county where the licensee's business premises~~
15 ~~are located.~~

16 ~~(14) Any time when the licensee is not open for business, the~~
17 ~~licensee shall store all firearms kept in his or her licensed place~~
18 ~~of business using one of the following methods as to each~~
19 ~~particular firearm:~~

20 ~~(A) Store the firearm in a secure facility that is a part of, or~~
21 ~~that constitutes, the licensee's business premises.~~

22 ~~(B) Secure the firearm with a hardened steel rod or cable of at~~
23 ~~least one-eighth inch in diameter through the trigger guard of the~~
24 ~~firearm. The steel rod or cable shall be secured with a hardened~~
25 ~~steel lock that has a shackle. The lock and shackle shall be~~
26 ~~protected or shielded from the use of a bolt cutter and the rod or~~
27 ~~cable shall be anchored in a manner that prevents the removal of~~
28 ~~the firearm from the premises.~~

29 ~~(C) Store the firearm in a locked fireproof safe or vault in the~~
30 ~~licensee's business premises.~~

31 ~~(15) The licensing authority in an unincorporated area of a~~
32 ~~county or within a city may impose security requirements that are~~
33 ~~more strict or are at a higher standard than those specified in~~
34 ~~paragraph (14).~~

35 ~~(16) Commencing January 1, 1994, the licensee shall, upon the~~
36 ~~issuance or renewal of a license, submit a copy of the same to the~~
37 ~~Department of Justice.~~

38 ~~(17) The licensee shall maintain and make available for~~
39 ~~inspection during business hours to any peace officer, authorized~~
40 ~~local law enforcement employee, or Department of Justice~~

1 ~~employee designated by the Attorney General, upon the~~
2 ~~presentation of proper identification, a firearms transaction~~
3 ~~record.~~

4 ~~(18) (A) On the date of receipt, the licensee shall report to the~~
5 ~~Department of Justice in a format prescribed by the department~~
6 ~~the acquisition by the licensee of the ownership of a pistol,~~
7 ~~revolver, or other firearm capable of being concealed upon the~~
8 ~~person.~~

9 ~~(B) The provisions of this paragraph shall not apply to any of~~
10 ~~the following transactions:~~

11 ~~(i) A transaction subject to the provisions of subdivision (n) of~~
12 ~~Section 12078.~~

13 ~~(ii) The dealer acquired the firearm from a wholesaler.~~

14 ~~(iii) The dealer is also licensed as a secondhand dealer~~
15 ~~pursuant to Article 4 (commencing with Section 21625) of~~
16 ~~Chapter 9 of Division 8 of the Business and Professions Code.~~

17 ~~(iv) The dealer acquired the firearm from a person who is~~
18 ~~licensed as a manufacturer or importer to engage in those~~
19 ~~activities pursuant to Chapter 44 (commencing with Section 921)~~
20 ~~of Title 18 of the United States Code and any regulations issued~~
21 ~~pursuant thereto.~~

22 ~~(v) The dealer acquired the firearm from a person who resides~~
23 ~~outside this state who is licensed pursuant to Chapter 44~~
24 ~~(commencing with Section 921) of Title 18 of the United States~~
25 ~~Code and any regulations issued pursuant thereto.~~

26 ~~(19) The licensee shall forward in a format prescribed by the~~
27 ~~Department of Justice, information as required by the department~~
28 ~~on any firearm that is not delivered within the time period set~~
29 ~~forth in Section 478.102 (c) of Title 27 of the Code of Federal~~
30 ~~Regulations.~~

31 ~~(20) (A) Firearms dealers may require any agent who handles,~~
32 ~~sells, or delivers firearms to obtain and provide to the dealer a~~
33 ~~certificate of eligibility from the department pursuant to~~
34 ~~paragraph (4) of subdivision (a). The agent or employee shall~~
35 ~~provide on the application, the name and California firearms~~
36 ~~dealer number of the firearms dealer with whom he or she is~~
37 ~~employed.~~

38 ~~(B) The department shall notify the firearms dealer in the~~
39 ~~event that the agent or employee who has a certificate of~~
40 ~~eligibility is or becomes prohibited from possessing firearms.~~

1 ~~(C) If the local jurisdiction requires a background check of the~~
2 ~~agents or employees of the firearms dealer, the agent or~~
3 ~~employee shall obtain a certificate of eligibility pursuant to~~
4 ~~subparagraph (A).~~

5 ~~(D) Nothing in this paragraph shall be construed to preclude a~~
6 ~~local jurisdiction from conducting an additional background~~
7 ~~check pursuant to Section 11105 or prohibiting employment~~
8 ~~based on criminal history that does not appear as part of~~
9 ~~obtaining a certificate of eligibility, provided however, that the~~
10 ~~local jurisdiction may not charge a fee for the additional criminal~~
11 ~~history check.~~

12 ~~(E) The licensee shall prohibit any agent who the licensee~~
13 ~~knows or reasonably should know is within a class of persons~~
14 ~~prohibited from possessing firearms pursuant to Section 12021 or~~
15 ~~12021.1 of this code, or Section 8100 or 8103 of the Welfare and~~
16 ~~Institutions Code, from coming into contact with any firearm that~~
17 ~~is not secured and from accessing any key, combination, code, or~~
18 ~~other means to open any of the locking devices described in~~
19 ~~clause (ii) of subparagraph (G) of this paragraph.~~

20 ~~(F) Nothing in this paragraph shall be construed as preventing~~
21 ~~a local government from enacting an ordinance imposing~~
22 ~~additional conditions on licensees with regard to agents.~~

23 ~~(G) For purposes of this section, the following definitions shall~~
24 ~~apply:~~

25 ~~(i) An “agent” is an employee of the licensee.~~

26 ~~(ii) “Secured” means a firearm that is made inoperable in one~~
27 ~~or more of the following ways:~~

28 ~~(I) The firearm is inoperable because it is secured by a~~
29 ~~firearms safety device listed on the department’s roster of~~
30 ~~approved firearms safety devices pursuant to subdivision (d) of~~
31 ~~Section 12088 of this chapter.~~

32 ~~(II) The firearm is stored in a locked gun safe or long-gun safe~~
33 ~~which meets the standards for department-approved gun safes set~~
34 ~~forth in Section 12088.2.~~

35 ~~(III) The firearm is stored in a distinct locked room or area in~~
36 ~~the building that is used to store firearms that can only be~~
37 ~~unlocked by a key, a combination, or similar means.~~

38 ~~(IV) The firearm is secured with a hardened steel rod or cable~~
39 ~~that is at least one-eighth of an inch in diameter through the~~
40 ~~trigger guard of the firearm. The steel rod or cable shall be~~

1 secured with a hardened steel lock that has a shackle. The lock
2 and shackle shall be protected or shielded from the use of a bolt
3 cutter and the rod or cable shall be anchored in a manner that
4 prevents the removal of the firearm from the premises.

5 (e) (1) As used in this article, “clear evidence of his or her
6 identity and age” means either of the following:

7 (A) A valid California driver’s license.

8 (B) A valid California identification card issued by the
9 Department of Motor Vehicles.

10 (2) As used in this section, a “secure facility” means a building
11 that meets all of the following specifications:

12 (A) All perimeter doorways shall meet one of the following:

13 (i) A windowless steel security door equipped with both a
14 dead bolt and a doorknob lock.

15 (ii) A windowed metal door that is equipped with both a dead
16 bolt and a doorknob lock. If the window has an opening of five
17 inches or more measured in any direction, the window shall be
18 covered with steel bars of at least ½-inch diameter or metal
19 grating of at least 9 gauge affixed to the exterior or interior of the
20 door.

21 (iii) A metal grate that is padlocked and affixed to the
22 licensee’s premises independent of the door and doorframe.

23 (B) All windows are covered with steel bars.

24 (C) Heating, ventilating, air-conditioning, and service
25 openings are secured with steel bars, metal grating, or an alarm
26 system.

27 (D) Any metal grates have spaces no larger than six inches
28 wide measured in any direction.

29 (E) Any metal screens have spaces no larger than three inches
30 wide measured in any direction.

31 (F) All steel bars shall be no further than six inches apart.

32 (3) As used in this section, “licensed premises,” “licensed
33 place of business,” “licensee’s place of business,” or “licensee’s
34 business premises” means the building designated in the license.

35 (4) For purposes of paragraph (17) of subdivision (b):

36 (A) A “firearms transaction record” is a record containing the
37 same information referred to in subdivision (a) of Section
38 478.124, Section 478.124a, and subdivision (c) of Section
39 478.125 of Title 27 of the Code of Federal Regulations.

~~(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 478.124a and subdivision (e) of Section 478.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 478.124 of Title 27 of the Code of Federal Regulations.~~

~~(d) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of paragraph (14) of subdivision (b) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.~~

~~(e) (1) Except as otherwise provided in this paragraph, the Department of Justice shall keep a centralized list of all persons licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a), and all persons who have submitted information pursuant to subdivision (a) of Section 12083. The department may remove from this list any person who knowingly or with gross negligence violates this article. Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer's business is located.~~

~~(2) The department shall remove from the centralized list any person whose federal firearms license has expired or has been revoked.~~

~~(3) Information compiled from the list shall be made available, upon request, for the following purposes only:~~

~~(A) For law enforcement purposes.~~

~~(B) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.~~

~~(C) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in Section 478.100 of Title 27 of the Code of Federal~~

1 Regulations, or its successor, who possesses a valid certificate of
2 eligibility issued pursuant to Section 12071.1, if that information
3 is requested by the person to determine the eligibility of a
4 prospective participant in a gun show or event to conduct
5 transactions as a firearms dealer pursuant to subparagraph (B) of
6 paragraph (1) of subdivision (b).

7 (4) Information provided pursuant to paragraph (3) shall be
8 limited to information necessary to corroborate an individual's
9 current license status as being one of the following:

10 (A) A person licensed pursuant to subparagraphs (A) to (E),
11 inclusive, of paragraph (1) of subdivision (a).

12 (B) A person licensed pursuant to Chapter 44 (commencing
13 with Section 921) of Title 18 of the United States Code and who
14 is not subject to the requirement that he or she be licensed
15 pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1)
16 of subdivision (a).

17 (f) The Department of Justice may inspect dealers to ensure
18 compliance with this article. The department may assess an
19 annual fee, not to exceed one hundred fifteen dollars (\$115), to
20 cover the reasonable cost of maintaining the list described in
21 subdivision (c), including the cost of inspections. Dealers whose
22 place of business is in a jurisdiction that has adopted an
23 inspection program to ensure compliance with firearms law shall
24 be exempt from that portion of the department's fee that relates
25 to the cost of inspections. The applicant is responsible for
26 providing evidence to the department that the jurisdiction in
27 which the business is located has the inspection program.

28 (g) The Department of Justice shall maintain and make
29 available upon request information concerning the number of
30 inspections conducted and the amount of fees collected pursuant
31 to subdivision (f), a listing of exempted jurisdictions, as defined
32 in subdivision (f), the number of dealers removed from the
33 centralized list defined in subdivision (c), and the number of
34 dealers found to have violated this article with knowledge or
35 gross negligence.

36 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to
37 a licensee organized as a nonprofit public benefit or mutual
38 benefit corporation organized pursuant to Part 2 (commencing
39 with Section 5110) or Part 3 (commencing with Section 7110) of

~~Division 2 of the Corporations Code, if both of the following conditions are satisfied:~~

~~(1) The nonprofit public benefit or mutual benefit corporation obtained the dealer's license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.~~

~~(2) The firearms are not pistols, revolvers, or other firearms capable of being concealed upon the person.~~

~~(i) (1) For every verification inquiry made pursuant to paragraph (1) of subdivision (f) of Section 12072, the department shall determine whether the intended recipient possesses an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and, if applicable, is properly licensed pursuant to this section.~~

~~(2) If the intended recipient possesses an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and if applicable, is properly licensed pursuant to this section, the department shall immediately provide a unique verification number to the inquiring party.~~

~~(3) If the intended recipient does not possess an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, or if applicable, is not properly licensed pursuant to this section, the department shall do all of the following:~~

~~(A) Immediately notify the inquiring party of that fact.~~

~~(B) Within 24 hours, notify the chief law enforcement officer of the jurisdiction where the address on the federal firearms license about which the inquiry was made is located, and notify an appropriate employee of the federal Bureau of Alcohol, Tobacco and Firearms of the denied verification.~~

~~SEC. 10. Section 12071 is added to the Penal Code, to read:~~

~~12071. (a) As used in this chapter, the term "licensee," "person licensed pursuant to Section 12071," or "dealer" means a person who has all of the following:~~

~~(1) A valid federal firearms license.~~

1 (2) Any regulatory or business license, or licenses, required by
2 local government.

3 (3) A valid seller's permit issued by the State Board of
4 Equalization.

5 (4) A certificate of eligibility issued by the Department of
6 Justice pursuant to subdivision (d).

7 (5) A license issued in the format prescribed by subdivision
8 (f).

9 (6) Is among those recorded in the centralized list specified in
10 Section 12071.7.

11 (b) The duly constituted licensing authority of a city, county,
12 or a city and county shall accept applications for, and may grant
13 licenses permitting, licensees to sell firearms at retail within the
14 city, county, or city and county. The duly constituted licensing
15 authority shall inform applicants who are denied licenses of the
16 reasons for the denial in writing.

17 (c) No license shall be granted to any applicant who fails to
18 provide a copy of his or her valid federal firearms license, valid
19 seller's permit issued by the State Board of Equalization, and the
20 certificate of eligibility described in paragraph (4).

21 (d) A person may request a certificate of eligibility from the
22 Department of Justice and the Department of Justice shall issue a
23 certificate to an applicant if the department's records indicate that
24 the applicant is not a person who is prohibited from possessing
25 firearms.

26 (e) The department shall adopt regulations to administer the
27 certificate of eligibility program and shall recover the full costs
28 of administering the program by imposing fees assessed to
29 applicants who apply for those certificates.

30 (f) A license granted by the duly constituted licensing
31 authority of any city, county, or city and county, shall be valid
32 for not more than one year from the date of issuance and shall be
33 in one of the following forms:

34 (1) In the form prescribed by the Attorney General.

35 (2) A regulatory or business license that states on its face
36 "Valid for Retail Sales of Firearms" and is endorsed by the
37 signature of the issuing authority.

38 (3) A letter from the duly constituted licensing authority
39 having primary jurisdiction for the applicant's intended business
40 location stating that the jurisdiction does not require any form of

1 regulatory or business license or does not otherwise restrict or
2 regulate the sale of firearms.

3 (g) Local licensing authorities may assess fees to recover their
4 full costs of processing applications for licenses.

5 (h) A license granted pursuant to this section is subject to
6 forfeiture for a breach of any of the prohibitions and
7 requirements of this section.

8 SEC. 11. Section 12071.1 of the Penal Code, as amended by
9 Section 2 of Chapter 247 of the Statutes of 1999, is amended and
10 renumbered to read:

11 ~~12071.1.~~

12 12083.5 (a) No person shall produce, promote, sponsor,
13 operate, or otherwise organize a gun show or event, as specified
14 in ~~subparagraph (B) of paragraph (1) of subdivision (b) of~~
15 Section ~~12071.1~~ 12071.1, unless that person possesses a valid
16 certificate of eligibility from the Department of Justice. Unless
17 the department's records indicate that the applicant is a person
18 prohibited from possessing firearms, a certificate of eligibility
19 shall be issued by the Department of Justice to an applicant
20 provided the applicant does all of the following:

21 (1) Certifies that he or she is familiar with the provisions of
22 this section and Section ~~12071.4~~ 12083.7.

23 (2) Ensures that liability insurance is in effect for the duration
24 of an event or show in an amount of not less than one million
25 dollars (\$1,000,000).

26 (3) Provides an annual list of the gun shows or events that the
27 applicant plans to promote, produce, sponsor, operate, or
28 otherwise organize during the year for which the certificate of
29 eligibility is issued, including the date, time, and location of the
30 gun shows or events.

31 (b) If during that year the information required by paragraph
32 (3) of subdivision (a) changes, or additional gun shows or events
33 will be promoted, produced, sponsored, operated, or otherwise
34 organized by the applicant, the producer shall notify the
35 Department of Justice no later than 30 days prior to the gun show
36 or event.

37 (c) As used in this section, a "licensed gun show producer"
38 means a person who has been issued a certificate of eligibility by
39 the Department of Justice pursuant to subdivision (a). No
40 regulations shall be required to implement this subdivision.

(d) The Department of Justice shall adopt regulations to administer the certificate of eligibility program under this section and shall recover the full costs of administering the program by fees assessed applicants who apply for certificates. A licensed gun show producer shall be assessed an annual fee of eighty-five dollars (\$85) by the department.

(e) (1) A willful failure by a gun show producer to comply with any of the requirements of this section, except for the posting of required signs, shall be a misdemeanor punishable by a fine not to exceed two thousand dollars (\$2,000), and shall render the producer ineligible for a gun show producer license for one year from the date of the conviction.

(2) The willful failure of a gun show producer to post signs as required by this section shall be a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000) for the first offense and not to exceed two thousand dollars (\$2,000) for the second or subsequent offense, and with respect to the second or subsequent offense, shall render the producer ineligible for a gun show producer license for one year from the date of the conviction.

(3) Multiple violations charged pursuant to paragraph (1) arising from more than one gun show or event shall be grounds for suspension of a producer's certificate of eligibility pending adjudication of the violations.

(f) Prior to the commencement of a gun show or event, the producer thereof shall, upon written request, within 48 hours, or a later time specified by the requesting law enforcement agency, make available to the requesting law enforcement agency with jurisdiction over the facility, a complete and accurate list of all persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms.

The producer shall thereafter, upon written request, for every day the gun show or event operates, within 24 hours, or a later time specified by the requesting law enforcement agency, make available to the requesting law enforcement agency with jurisdiction over the facility, an accurate, complete, and current list of the persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent,

1 any table, display space, or area at the gun show or event for the
2 purpose of selling, leasing, or transferring firearms.

3 This subdivision applies to persons, entities, and organizations
4 whether or not they participate in the entire gun show or event, or
5 only a portion thereof.

6 (g) The information that may be requested by the law
7 enforcement agency with jurisdiction over the facility, and that
8 shall be provided by the producer upon request, may include, but
9 is not limited to, the following information relative to a vendor
10 who offers for sale firearms manufactured after December 31,
11 1898: his or her complete name, and a driver's license or
12 identification card number.

13 (h) The producer and facility manager shall prepare an annual
14 event and security plan and schedule that shall include, at a
15 minimum, the following:

16 (1) The type of shows or events including, but not limited to,
17 antique or general firearms.

18 (2) The estimated number of vendors offering firearms for sale
19 or display.

20 (3) The estimated number of attendees.

21 (4) The number of entrances and exits at the gun show or
22 event site.

23 (5) The location, dates, and times of the shows or events.

24 (6) The contact person and telephone number for both the
25 producer and the facility.

26 (7) The number of sworn peace officers employed by the
27 producer or the facilities manager who will be present at the
28 show or event.

29 (8) The number of nonsworn security personnel employed by
30 the producer or the facility's manager who will be present at the
31 show or event.

32 (i) The annual event and security plan shall be submitted by
33 either the producer or the facility's manager to the Department of
34 Justice and the law enforcement agency with jurisdiction over the
35 facility. Not later than 15 days prior to the commencement of the
36 gun show or event, the producer shall submit to the department,
37 the law enforcement agency with jurisdiction over the facility
38 site, and the facility's manager a revised event and security plan
39 if significant changes have been made since the annual plan was
40 submitted, including a revised list of vendors that the producer

1 knows, or reasonably should know, will be renting tables, space,
2 or otherwise participating in the gun show or event. The event
3 and security plan shall be approved by the facility's manager
4 prior to the event or show after consultation with the law
5 enforcement agency with jurisdiction over the facility. No gun
6 show or event shall commence unless the requirements of this
7 subdivision are met.

8 (j) The producer shall be responsible for informing prospective
9 gun show vendors of the requirements of this section and of
10 Section ~~12071.4~~ 12083.7 that apply to vendors.

11 (k) The producer shall, within seven calendar days of the
12 commencement of the show or event, but not later than noon on
13 Friday for a show or event held on a weekend, submit a list of all
14 prospective vendors and designated firearms transfer agents who
15 are licensed firearms dealers to the Department of Justice for the
16 purpose of determining whether these prospective vendors and
17 designated firearms transfer agents possess valid licenses and are
18 thus eligible to participate as licensed dealers at the show or
19 event. The department shall examine its records and if it
20 determines that a dealer's license is not valid, it shall notify the
21 show or event producer of that fact prior to the commencement
22 of the show or event.

23 (l) If a licensed firearms dealer fails to cooperate with a
24 producer or fails to comply with the applicable requirements of
25 this section or Section ~~12071.4~~ 12083.7, that person shall not be
26 allowed to participate in that show or event.

27 (m) If a producer fails to comply with subdivision (j) or (k),
28 the gun show or event shall not commence until those
29 requirements are met.

30 (n) All producers shall have written contracts with all gun
31 show vendors selling firearms at the show or event.

32 (o) The producer shall require that signs be posted in a readily
33 visible location at each public entrance to the show containing,
34 but not limited to, the following notices:

35 (1) This gun show follows all federal, state, and local firearms
36 and weapons laws without exception.

37 (2) All firearms carried onto the premises by members of the
38 public will be checked, cleared of any ammunition, secured in a
39 manner that prevents them from being operated, and an

1 identification tag or sticker will be attached to the firearm prior to
2 the person being allowed admittance to the show.

3 (3) No member of the public under the age of 18 years shall be
4 admitted to the show unless accompanied by a parent,
5 grandparent, or legal guardian.

6 (4) All firearms transfers between private parties at the show
7 shall be conducted through a licensed dealer in accordance with
8 applicable state and federal laws.

9 (5) Persons possessing firearms on this facility must have in
10 their immediate possession government-issued photo
11 identification, and display it upon request to any security officer
12 or any peace officer, as defined in Section 830.

13 (p) The show producer shall post, in a readily visible location
14 at each entrance to the parking lot at the show, signage that
15 states: "The transfer of firearms on the parking lot of this facility
16 is a crime."

17 (q) It is the intent of the Legislature that the certificate of
18 eligibility program established pursuant to this section be
19 incorporated into the certificate of eligibility program established
20 pursuant to Section 12071 to the maximum extent practicable.

21 SEC. 12. Section 12071.1 is added to the Penal Code, to read:

22 12071.1. (a) Except as provided in subdivisions (b) and (c),
23 the business of a licensee shall be conducted only in the buildings
24 designated in the license. The license or a copy thereof, certified
25 by the issuing authority, shall be displayed on the premises where
26 it can easily be seen.

27 (b) A person licensed pursuant to Section 12071 may take
28 possession of firearms and commence preparation of registers for
29 the sale, delivery, or transfer of firearms at gun shows or events,
30 as defined in Section 478.100 of Title 27 of the Code of Federal
31 Regulations, or its successor, if the gun show or event is not
32 conducted from any motorized or towed vehicle. A person
33 conducting business pursuant to this subdivision shall be entitled
34 to conduct business as authorized herein at any gun show or
35 event in the state without regard to the jurisdiction within this
36 state that issued the license pursuant to Section 12071, provided
37 the person complies with all applicable laws, including, but not
38 limited to, the waiting period specified in Section 12071.2, and
39 all applicable local laws, regulations, and fees, if any. A person
40 conducting business pursuant to this subdivision shall publicly

1 display his or her license issued pursuant to Section 12071, or a
2 facsimile thereof, at any gun show or event, as specified in this
3 subparagraph.

4 (c) A person licensed pursuant to Section 12071 may engage
5 in the sale and transfer of firearms other than handguns, at events
6 specified in subdivision (g) of Section 12078, subject to the
7 prohibitions and restrictions contained in that subdivision. A
8 person licensed pursuant to Section 12071 also may accept
9 delivery of firearms other than handguns, outside the building
10 designated in the license, provided the firearm is being donated
11 for the purpose of sale or transfer at an auction or similar event
12 specified in subdivision (g) of Section 12078.

13 (d) The firearm may be delivered to the purchaser, transferee,
14 or person being loaned the firearm at one of the following places:

15 (1) The building designated in the license.

16 (2) The places specified in subdivision (b) or (c).

17 (3) The place of residence of, the fixed place of business of, or
18 on private property owned or lawfully possessed by, the
19 purchaser, transferee, or person being loaned the firearm.

20 (e) No handgun or imitation thereof capable of being
21 concealed upon the person, or placard advertising the sale or
22 other transfer thereof, shall be displayed in any part of the
23 premises licensed pursuant to Section 12071 where it can readily
24 be seen from the outside.

25 (f) The licensee shall agree to and shall act properly and
26 promptly in processing firearms transactions pursuant to Section
27 12082.

28 (g) The licensee shall comply with Sections 12073, 12076, and
29 12077, subdivisions (a) and (b) and paragraph (1) of subdivision
30 (f) of Section 12072, and subdivision (a) of Section 12316.

31 (h) The licensee shall offer to provide the purchaser or
32 transferee of a firearm, or person being loaned a firearm, with a
33 copy of the pamphlet described in Section 12080 and may add
34 the cost of the pamphlet, if any, to the sales price of the firearm.

35 (i) The licensee shall not commit an act of collusion as defined
36 in Section 12072.

37 (j) The licensee shall post conspicuously within the licensed
38 premises a detailed list of each of the following:

1 (1) All charges required by governmental agencies for
2 processing firearm transfers required by Sections 12076, 12082,
3 and 12806.

4 (2) All fees that the licensee charges pursuant to Sections
5 12082 and 12806.

6 (k) The licensee shall not misstate the amount of fees charged
7 by a governmental agency pursuant to Sections 12076, 12082,
8 and 12806.

9 (l) The licensee shall, upon the issuance or renewal of a
10 license, submit a copy of the same to the Department of Justice.

11 (m) (1) Firearms dealers may require any agent who handles,
12 sells, or delivers firearms to obtain and provide to the dealer a
13 certificate of eligibility from the department pursuant Section
14 12071. The agent or employee shall provide on the application,
15 the name and California firearms dealer number of the firearms
16 dealer with whom he or she is employed.

17 (2) The department shall notify the firearms dealer in the event
18 that the agent or employee who has a certificate of eligibility is
19 or becomes prohibited from possessing firearms.

20 (3) If the local jurisdiction requires a background check of the
21 agents or employees of the firearms dealer, the agent or
22 employee shall obtain a certificate of eligibility pursuant to
23 Section 12071.

24 (4) Nothing in this section shall be construed to preclude a
25 local jurisdiction from conducting an additional background
26 check pursuant to Section 11105 or prohibiting employment
27 based on criminal history that does not appear as part of
28 obtaining a certificate of eligibility, provided however, that the
29 local jurisdiction may not charge a fee for the additional criminal
30 history check.

31 (n) The licensee shall prohibit any agent who the licensee
32 knows or reasonably should know is within a class of persons
33 prohibited from possessing firearms pursuant to Section 12021 or
34 12021.1 of this code, or Section 8100 or 8103 of the Welfare and
35 Institutions Code, from coming into contact with any firearm that
36 is not secured and from accessing any key, combination, code, or
37 other means to open any of the locking devices described in
38 Section 12071.6 that are used to make the firearm inoperable.

1 (o) Nothing in this section shall be construed as preventing a
2 local government from enacting an ordinance imposing
3 additional conditions on licensees with regard to agents.

4 (p) For purposes of this section, an “agent” is an employee of
5 the licensee.

6 (q) A license granted pursuant to Section 12071 is subject to
7 forfeiture for a breach of any of the prohibitions and
8 requirements of this section.

9 SEC. 13. Section 12071.2 is added to the Penal Code, to read:

10 12071.2. (a) No firearm shall be delivered by a person
11 licensed pursuant to Section 12071 under any of the following
12 circumstances:

13 (1) Within 10 days of the application to purchase, or, after
14 notice by the department pursuant to subdivision (d) of Section
15 12076, within 10 days of the submission to the department of any
16 correction to the application, or within 10 days of the submission
17 to the department of any fee required pursuant to subdivision (e)
18 of Section 12076, whichever is later.

19 (2) Unless unloaded and securely wrapped or unloaded and in
20 a locked container.

21 (3) Unless the purchaser, transferee, or person being loaned
22 the firearm presents clear evidence of his or her identity and age
23 to the dealer.

24 (4) As used in this article, “clear evidence of his or her identity
25 and age” means either a valid California driver’s license, or a
26 valid California identification card issued by the Department of
27 Motor Vehicles.

28 (b) No firearm shall be delivered by a person licensed pursuant
29 to Section 12071 whenever the dealer is notified by the
30 Department of Justice that the person is in a prohibited class
31 described in Section 12021 or 12021.1 of this code, or Section
32 8100 or 8103 of the Welfare and Institutions Code. The dealer
33 shall make available to the person in the prohibited class a
34 prohibited notice and transfer form, provided by the department,
35 stating that the person is prohibited from owning or possessing a
36 firearm, and that the person may obtain from the department the
37 reason for the prohibition.

38 (c) No dealer may deliver a handgun unless the person
39 receiving the handgun presents to the dealer a valid handgun
40 safety certificate. The firearms dealer shall retain a photocopy of

1 the handgun safety certificate as proof of compliance with this
2 requirement.

3 (d) No handgun may be delivered unless the purchaser,
4 transferee, or person being loaned the firearm presents
5 documentation indicating that he or she is a California resident.
6 Satisfactory documentation shall include a utility bill from within
7 the last three months, a residential lease, a property deed, or
8 military permanent duty station orders indicating assignment
9 within this state, or other evidence of residency as permitted by
10 the Department of Justice. The firearms dealer shall retain a
11 photocopy of the documentation as proof of compliance with this
12 requirement.

13 (e) A license granted pursuant to Section 12071 is subject to
14 forfeiture for a breach of any of the prohibitions and
15 requirements of this section.

16 SEC. 14. Section 12071.3 is added to the Penal Code, to read:

17 12071.3. (a) Except as authorized by the department, no
18 firearms dealer may deliver a handgun unless the recipient
19 performs a safe handling demonstration with that handgun. The
20 demonstration shall commence with the handgun unloaded and
21 locked with the firearm safety device with which it is required to
22 be delivered, if applicable. While maintaining muzzle awareness,
23 that is, the firearm is pointed in a safe direction, preferably down
24 at the ground, and trigger discipline, that is, the trigger finger is
25 outside of the trigger guard and alongside of the handgun frame,
26 at all times, the handgun recipient shall correctly and safely
27 perform the following:

28 (1) If the handgun is a semiautomatic pistol:

29 (A) Remove the magazine.

30 (B) Lock the slide back. If the model of firearm does not allow
31 the slide to be locked back, pull the slide back, visually and
32 physically check the chamber to ensure that it is clear.

33 (C) Visually and physically inspect the chamber, to ensure that
34 the handgun is unloaded.

35 (D) Remove the firearm safety device, if applicable. If the
36 firearm safety device prevents any of the previous steps, remove
37 the firearm safety device during the appropriate step.

38 (E) Load one bright orange, red, or other readily identifiable
39 dummy round into the magazine. If no readily identifiable

1 dummy round is available, an empty cartridge casing with an
2 empty primer pocket may be used.

3 (F) Insert the magazine into the magazine well of the firearm.

4 (G) Manipulate the slide release or pull back and release the
5 slide.

6 (H) Remove the magazine.

7 (I) Visually inspect the chamber to reveal that a round can be
8 chambered with the magazine removed.

9 (J) Lock the slide back to eject the bright orange, red, or other
10 readily identifiable dummy round. If the handgun is of a model
11 that does not allow the slide to be locked back, pull the slide back
12 and physically check the chamber to ensure that the chamber is
13 clear. If no readily identifiable dummy round is available, an
14 empty cartridge casing with an empty primer pocket may be
15 used.

16 (K) Apply the safety, if applicable.

17 (L) Apply the firearm safety device, if applicable. This
18 requirement shall not apply to an Olympic competition pistol if
19 no firearms safety device, other than a cable lock that the
20 department has determined would damage the barrel of the pistol,
21 has been approved for the pistol, and the pistol is either listed in
22 paragraph (2) of subdivision (h) of Section 12132 or is subject to
23 paragraph (3) of subdivision (h) of Section 12132.

24 (2) If the handgun is a double-action revolver:

25 (A) Open the cylinder.

26 (B) Visually and physically inspect each chamber, to ensure
27 that the revolver is unloaded.

28 (C) Remove the firearm safety device. If the firearm safety
29 device prevents any of the previous steps, remove the firearm
30 safety device during the appropriate step.

31 (D) While maintaining muzzle awareness and trigger
32 discipline, load one bright orange, red, or other readily
33 identifiable dummy round into a chamber of the cylinder and
34 rotate the cylinder so that the round is in the next-to-fire position.
35 If no readily identifiable dummy round is available, an empty
36 cartridge casing with an empty primer pocket may be used.

37 (E) Close the cylinder.

38 (F) Open the cylinder and eject the round.

39 (G) Visually and physically inspect each chamber to ensure
40 that the revolver is unloaded.

1 (H) Apply the firearm safety device, if applicable. This
2 requirement shall not apply to an Olympic competition pistol if
3 no firearms safety device, other than a cable lock that the
4 department has determined would damage the barrel of the pistol,
5 has been approved for the pistol, and the pistol is either listed in
6 paragraph (2) of subdivision (h) of Section 12132 or is subject to
7 paragraph (3) of subdivision (h) of Section 12132.

8 (3) If the handgun is a single-action revolver:

9 (A) Open the loading gate.

10 (B) Visually and physically inspect each chamber, to ensure
11 that the revolver is unloaded.

12 (C) Remove the firearm safety device required to be sold with
13 the handgun. If the firearm safety device prevents any of the
14 previous steps, remove the firearm safety device during the
15 appropriate step.

16 (D) Load one bright orange, red, or other readily identifiable
17 dummy round into a chamber of the cylinder, close the loading
18 gate and rotate the cylinder so that the round is in the next-to-fire
19 position. If no readily identifiable dummy round is available, an
20 empty cartridge casing with an empty primer pocket may be
21 used.

22 (E) Open the loading gate and unload the revolver.

23 (F) Visually and physically inspect each chamber to ensure
24 that the revolver is unloaded.

25 (G) Apply the firearm safety device, if applicable. This
26 requirement shall not apply to an Olympic competition pistol if
27 no firearms safety device, other than a cable lock that the
28 department has determined would damage the barrel of the pistol,
29 has been approved for the pistol, and the pistol is either listed in
30 paragraph (2) of subdivision (h) of Section 12132 or is subject to
31 paragraph (3) of subdivision (h) of Section 12132.

32 (b) The recipient shall receive instruction regarding how to
33 render that handgun safe in the event of a jam.

34 (c) The firearms dealer shall sign and date an affidavit stating
35 that the requirements of subdivision (a) have been met. The
36 firearms dealer shall additionally obtain the signature of the
37 handgun purchaser on the same affidavit. The firearms dealer
38 shall retain the original affidavit as proof of compliance with this
39 requirement.

1 (d) The recipient shall perform the safe handling
2 demonstration for a department certified instructor.

3 (e) No demonstration shall be required if the dealer is
4 returning the handgun to the owner of the handgun.

5 (f) Department certified instructors who may administer the
6 safe handling demonstration shall meet the requirements set forth
7 in subdivision (j) of Section 12804.

8 (g) The persons who are exempt from the requirements of
9 subdivision (b) of Section 12801, pursuant to Section 12807, are
10 also exempt from performing the safe handling demonstration.

11 (h) A license granted pursuant to Section 12071 is subject to
12 forfeiture for a breach of any of the prohibitions and
13 requirements of this section.

14 SEC. 15. Section 12071.4 of the Penal Code, as added by
15 Section 3 of Chapter 247 of the Statutes of 1999, is amended and
16 renumbered to read:

17 ~~12071.4.~~

18 *12083.7* (a) This section shall be known, and may be cited as,
19 the Gun Show Enforcement and Security Act of 2000.

20 (b) All gun show or event vendors shall certify in writing to
21 the producer that they:

22 (1) Will not display, possess, or offer for sale any firearms,
23 knives, or weapons for which possession or sale is prohibited.

24 (2) Acknowledge that they are responsible for knowing and
25 complying with all applicable federal, state, and local laws
26 dealing with the possession and transfer of firearms.

27 (3) Will not engage in activities that incite or encourage hate
28 crimes.

29 (4) Will process all transfers of firearms through licensed
30 firearms dealers as required by state law.

31 (5) Will verify that all firearms in their possession at the show
32 or event will be unloaded, and that the firearms will be secured in
33 a manner that prevents them from being operated except for brief
34 periods when the mechanical condition of a firearm is being
35 demonstrated to a prospective buyer.

36 (6) Have complied with the requirements of subdivision (e).

37 (7) Will not display or possess black powder, or offer it for
38 sale.

39 (c) All firearms transfers at the gun show or event shall be in
40 accordance with applicable state and federal laws.

1 (d) Except for purposes of showing ammunition to a
2 prospective buyer, ammunition at a gun show or event may be
3 displayed only in closed original factory boxes or other closed
4 containers.

5 (e) Prior to the commencement of a gun show or event, each
6 vendor shall provide to the producer all of the following
7 information relative to the vendor, the vendor's employees, and
8 other persons, compensated or not, who will be working or
9 otherwise providing services to the public at the vendor's display
10 space if firearms manufactured after December 31, 1898, will be
11 offered for sale:

12 (1) His or her complete name.

13 (2) His or her driver's license or state-issued identification
14 card number.

15 (3) His or her date of birth.

16 The producer shall keep the information at the show's or
17 event's onsite headquarters for the duration of the show or event,
18 and at the producer's regular place of business for two weeks
19 after the conclusion of the show or event, and shall make the
20 information available upon request to any sworn peace officer for
21 purposes of the officer's official law enforcement duties.

22 (f) Vendors and employees of vendors shall wear name tags
23 indicating first and last name.

24 (g) No person at a gun show or event, other than security
25 personnel or sworn peace officers, shall possess at the same time
26 both a firearm and ammunition that is designed to be fired in the
27 firearm. Vendors having those items at the show for sale or
28 exhibition are exempt from this prohibition.

29 (h) No member of the public who is under the age of 18 years
30 shall be admitted to, or be permitted to remain at, a gun show or
31 event unless accompanied by a parent or legal guardian. Any
32 member of the public who is under the age of 18 shall be
33 accompanied by his or her parent, grandparent, or legal guardian
34 while at the show or event.

35 (i) Persons other than show or event security personnel, sworn
36 peace officers, or vendors, who bring firearms onto the gun show
37 or event premises shall sign in ink the tag or sticker that is
38 attached to the firearm prior to being allowed admittance to the
39 show or event, as provided for in subdivision (j).

(j) All firearms carried onto the premises of a gun show or event by members of the public shall be checked, cleared of any ammunition, secured in a manner that prevents them from being operated, and an identification tag or sticker shall be attached to the firearm, prior to the person being allowed admittance to the show. The identification tag or sticker shall state that all firearms transfers between private parties at the show or event shall be conducted through a licensed dealer in accordance with applicable state and federal laws. The person possessing the firearm shall complete the following information on the tag before it is attached to the firearm:

(1) The gun owner's signature.

(2) The gun owner's printed name.

(3) The identification number from the gun owner's government-issued photo identification.

(k) All persons possessing firearms at the gun show or event shall have in his or her immediate possession, government-issued photo identification, and display it upon request, to any security officer, or any peace officer.

(l) Unless otherwise specified, a first violation of this section is an infraction. Any second or subsequent violation is a misdemeanor. Any person who commits an act which he or she knows to be a violation of this section is guilty of a misdemeanor for a first offense.

SEC. 16. Section 12071.4 is added to the Penal Code, to read:

12071.4. (a) The licensee shall post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

(1) "IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING."

(2) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY PREMISES UNDER YOUR

1 CUSTODY OR CONTROL, AND A PERSON UNDER 18
2 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND
3 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A
4 MISDEMEANOR, UNLESS YOU STORED THE FIREARM
5 IN A LOCKED CONTAINER, OR LOCKED THE FIREARM
6 WITH A LOCKING DEVICE, TO KEEP IT FROM
7 TEMPORARILY FUNCTIONING.”

8 (3) “IF YOU KEEP ANY FIREARM WITHIN ANY
9 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
10 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
11 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
12 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY
13 BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE
14 OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS
15 YOU STORED THE FIREARM IN A LOCKED CONTAINER,
16 OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”

17 (4) “DISCHARGING FIREARMS IN POORLY
18 VENTILATED AREAS, CLEANING FIREARMS, OR
19 HANDLING AMMUNITION MAY RESULT IN EXPOSURE
20 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
21 DEFECTS, REPRODUCTIVE HARM, AND OTHER
22 SERIOUS PHYSICAL INJURY. HAVE ADEQUATE
23 VENTILATION AT ALL TIMES. WASH HANDS
24 THOROUGHLY AFTER EXPOSURE.”

25 (5) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
26 DO NOT TAKE PHYSICAL POSSESSION OF THE
27 FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF
28 WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL
29 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
30 TO GO THROUGH THE BACKGROUND CHECK PROCESS
31 A SECOND TIME IN ORDER TO TAKE PHYSICAL
32 POSSESSION OF THAT FIREARM.”

33 (6) “NO PERSON SHALL MAKE AN APPLICATION TO
34 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
35 OTHER FIREARM CAPABLE OF BEING CONCEALED
36 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND
37 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
38 HAS MADE AN APPLICATION TO PURCHASE MORE
39 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM

1 CAPABLE OF BEING CONCEALED UPON THE PERSON
2 WITHIN ANY 30-DAY PERIOD.”

3 (7) “WARNING: THE STATE OF CALIFORNIA HAS
4 DETERMINED THAT GUNS IN THE HOME ARE MUCH
5 MORE LIKELY TO BE USED TO KILL OR INJURE A
6 HOUSEHOLD MEMBER THAN TO PROTECT AGAINST
7 AN ATTACKER. IT IS SAFEST NOT TO KEEP A GUN IN
8 THE HOME. IF A GUN IS KEPT IN THE HOME, IT SHOULD
9 BE KEPT UNLOADED AND SECURELY LOCKED, WITH
10 THE AMMUNITION LOCKED UP SEPARATELY.”

11 (b) A license granted pursuant to Section 12071 is subject to
12 forfeiture for a breach of any of the requirements of this section.

13 SEC. 17. Section 12071.5 is added to the Penal Code, to read:

14 12071.5. (a) The licensee shall maintain and make available
15 for inspection during business hours to any peace officer,
16 authorized local law enforcement employee, or Department of
17 Justice employee designated by the Attorney General, upon the
18 presentation of proper identification, a firearms transaction
19 record.

20 (b) On the date of receipt, the licensee shall report to the
21 Department of Justice in a format prescribed by the department
22 the acquisition by the licensee of the ownership of a handgun.

23 (c) The provisions of this section shall not apply to any of the
24 following transactions:

25 (1) A transaction subject to the provisions of subdivision (n) of
26 Section 12078.

27 (2) The dealer acquired the firearm from a wholesaler.

28 (3) The dealer is also licensed as a secondhand dealer pursuant
29 to Article 4 (commencing with Section 21625) of Chapter 9 of
30 Division 8 of the Business and Professions Code.

31 (4) The dealer acquired the firearm from a person who is
32 licensed as a manufacturer or importer to engage in those
33 activities pursuant to Chapter 44 (commencing with Section 921)
34 of Title 18 of the United States Code and any regulations issued
35 pursuant thereto.

36 (5) The dealer acquired the firearm from a person who resides
37 outside this state who is licensed pursuant to Chapter 44
38 (commencing with Section 921) of Title 18 of the United States
39 Code and any regulations issued pursuant thereto.

(d) The licensee shall forward in a format prescribed by the Department of Justice, information as required by the department on any firearm that is not delivered within the time period set forth in Section 478.102 (c) of Title 27 of the Code of Federal Regulations.

(e) For purposes of subdivision (a):

(1) A “firearms transaction record” is a record containing the same information referred to in subdivision (a) of Section 478.124, Section 478.124a, and subdivision (e) of Section 478.125 of Title 27 of the Code of Federal Regulations.

(2) A licensee shall be in compliance with the provisions of subdivision (a) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 478.124a and subdivision (e) of Section 478.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 478.124 of Title 27 of the Code of Federal Regulations.

(f) A license granted pursuant to Section 12071 is subject to forfeiture for a breach of any of the prohibitions and requirements of this section.

SEC. 18. Section 12071.6 is added to the Penal Code, to read:

12071.6. (a) The licensee shall report the loss or theft of any firearm that is merchandise of the licensee, any firearm that the licensee takes possession of pursuant to Section 12082, or any firearm kept at the licensee’s place of business within 48 hours of discovery to the appropriate law enforcement agency in the city, county, or city and county where the licensee’s business premises are located.

(b) Any time when the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:

(1) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee’s business premises.

(2) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the

1 firearm. The steel rod or cable shall be secured with a hardened
2 steel lock that has a shackle. The lock and shackle shall be
3 protected or shielded from the use of a bolt cutter and the rod or
4 cable shall be anchored in a manner that prevents the removal of
5 the firearm from the premises.

6 (3) Store the firearm in a locked fireproof safe or vault in the
7 licensee's business premises.

8 (c) The licensing authority in an unincorporated area of a
9 county or within a city may impose security requirements that are
10 more strict or are at a higher standard than those specified in
11 subdivision (i).

12 (d) Subdivisions (b) and (c) shall not apply to a licensee
13 organized as a nonprofit public benefit or mutual benefit
14 corporation organized pursuant to Part 2 (commencing with
15 Section 5110) or Part 3 (commencing with Section 7110) of
16 Division 2 of the Corporations Code, if both of the following
17 conditions are satisfied:

18 (1) The nonprofit public benefit or mutual benefit corporation
19 obtained the dealer's license solely and exclusively to assist that
20 corporation or local chapters of that corporation in conducting
21 auctions or similar events at which firearms are auctioned off to
22 fund the activities of that corporation or the local chapters of the
23 corporation.

24 (2) The firearms are not handguns.

25 (e) For purposes of this section, the following definitions shall
26 apply:

27 (1) "Licensed premises," "licensed place of business,"
28 "licensee's place of business," or "licensee's business premises"
29 means the building designated in the license.

30 (2) "Secured" means a firearm that is made inoperable in one
31 or more of the following ways:

32 (A) The firearm is inoperable because it is secured by a
33 firearms safety device listed on the department's roster of
34 approved firearms safety devices pursuant to subdivision (d) of
35 Section 12088 of this chapter.

36 (B) The firearm is stored in a locked gun safe or long-gun safe
37 which meets the standards for department-approved gun safes set
38 forth in Section 12088.2.

1 (C) The firearm is stored in a distinct locked room or area in
2 the building that is used to store firearms that can only be
3 unlocked by a key, a combination, or similar means.

4 (D) The firearm is secured with a hardened steel rod or cable
5 that is at least one-eighth of an inch in diameter through the
6 trigger guard of the firearm. The steel rod or cable shall be
7 secured with a hardened steel lock that has a shackle. The lock
8 and shackle shall be protected or shielded from the use of a bolt
9 cutter and the rod or cable shall be anchored in a manner that
10 prevents the removal of the firearm from the premises.

11 (3) "Secure facility" means a building that meets all of the
12 following specifications:

13 (A) All perimeter doorways shall meet one of the following:

14 (i) A windowless steel security door equipped with both a
15 dead bolt and a doorknob lock.

16 (ii) A windowed metal door that is equipped with both a dead
17 bolt and a doorknob lock. If the window has an opening of five
18 inches or more measured in any direction, the window shall be
19 covered with steel bars of at least one-half inch diameter or metal
20 grating of at least nine gauge affixed to the exterior or interior of
21 the door.

22 (iii) A metal grate that is padlocked and affixed to the
23 licensee's premises independent of the door and doorframe.

24 (B) All windows are covered with steel bars.

25 (C) Heating, ventilating, air-conditioning, and service
26 openings are secured with steel bars, metal grating, or an alarm
27 system.

28 (D) Any metal grates have spaces no larger than six inches
29 wide measured in any direction.

30 (E) Any metal screens have spaces no larger than three inches
31 wide measured in any direction.

32 (F) All steel bars shall be no further than six inches apart.

33 (f) Upon written request from a licensee, the licensing
34 authority may grant an exemption from compliance with the
35 requirements of subdivision (b) if the licensee is unable to
36 comply with those requirements because of local ordinances,
37 covenants, lease conditions, or similar circumstances not under
38 the control of the licensee.

1 (g) A license granted pursuant to Section 12071 is subject to
2 forfeiture for a breach of any of the prohibitions and
3 requirements of this section.

4 SEC. 19. Section 12071.7 is added to the Penal Code, to read:

5 12071.7. (a) Except as otherwise provided in this section, the
6 Department of Justice shall keep a centralized list of all persons
7 licensed pursuant to Section 12071, and all persons who have
8 submitted information pursuant to subdivision (a) of Section
9 12083. The department may remove from this list any person
10 who knowingly or with gross negligence violates this article.
11 Upon removal of a dealer from this list, notification shall be
12 provided to local law enforcement and licensing authorities in the
13 jurisdiction where the dealer's business is located.

14 (b) The department shall remove from the centralized list any
15 person whose federal firearms license has expired or has been
16 revoked.

17 (c) Information compiled from the list shall be made available,
18 upon request, for the following purposes only:

19 (1) For law enforcement purposes.

20 (2) When the information is requested by a person licensed
21 pursuant to Chapter 44 (commencing with Section 921) of Title
22 18 of the United States Code for determining the validity of the
23 license for firearm shipments.

24 (3) When information is requested by a person promoting,
25 sponsoring, operating, or otherwise organizing a show or event as
26 defined in Section 478.100 of Title 27 of the Code of Federal
27 Regulations, or its successor, who possesses a valid certificate of
28 eligibility issued pursuant to Section 12083.5, if that information
29 is requested by the person to determine the eligibility of a
30 prospective participant in a gun show or event to conduct
31 transactions as a firearms dealer pursuant to Section 12071.

32 (d) Information provided pursuant to paragraph (3) of
33 subdivision (c) shall be limited to information necessary to
34 corroborate an individual's current license status as being one of
35 the following:

36 (1) A person licensed pursuant to Section 12071.

37 (2) A person licensed pursuant to Chapter 44 (commencing
38 with Section 921) of Title 18 of the United States Code and who
39 is not subject to the requirement that he or she be licensed
40 pursuant to Section 12071.

(e) The department may inspect dealers to ensure compliance with this article. The department may assess an annual fee, not to exceed one hundred fifteen dollars (\$115), to cover the reasonable cost of maintaining the list described in subdivision (a), including the cost of inspections. Dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program.

(f) The department shall maintain and make available upon request information concerning the number of inspections conducted and the amount of fees collected pursuant to subdivision (e), a listing of exempted jurisdictions, as defined in subdivision (e), the number of dealers removed from the centralized list defined in subdivision (a), and the number of dealers found to have violated this article with knowledge or gross negligence.

(g) (1) For every verification inquiry made pursuant to paragraph (1) of subdivision (f) of Section 12072, the department shall determine whether the intended recipient possesses an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and, if applicable, is properly licensed pursuant to this section.

(2) If the intended recipient possesses an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, and if applicable, is properly licensed pursuant to this section, the department shall immediately provide a unique verification number to the inquiring party.

(3) If the intended recipient does not possess an appropriate, valid license issued pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code, or if applicable, is not properly licensed pursuant to this section, the department shall do all of the following:

(A) Immediately notify the inquiring party of that fact.

(B) Within 24 hours, notify the chief law enforcement officer of the jurisdiction where the address on the federal firearms

1 license about which the inquiry was made is located, and notify
2 an appropriate employee of the federal Bureau of Alcohol,
3 Tobacco and Firearms of the denied verification.

4 SEC. 20. Section 12072 of the Penal Code is amended to
5 read:

6 12072. (a) (1) No person, corporation, or firm shall
7 knowingly supply, deliver, sell, or give possession or control of a
8 firearm to any person within any of the classes prohibited by
9 Section 12021 or 12021.1.

10 (2) No person, corporation, or dealer shall sell, supply, deliver,
11 or give possession or control of a firearm to any person whom he
12 or she has cause to believe to be within any of the classes
13 prohibited by Section 12021 or 12021.1 of this code or Section
14 8100 or 8103 of the Welfare and Institutions Code.

15 (3) (A) No person, corporation, or firm shall sell, loan, or
16 transfer a firearm to a minor, nor sell a handgun to an individual
17 under 21 years of age.

18 (B) Subparagraph (A) shall not apply to or affect those
19 circumstances set forth in subdivision (p) of Section 12078.

20 (4) No person, corporation, or dealer shall sell, loan, or
21 transfer a firearm to any person whom he or she knows or has
22 cause to believe is not the actual purchaser or transferee of the
23 firearm, or to any person who is not the person actually being
24 loaned the firearm, if the person, corporation, or dealer has either
25 of the following:

26 (A) Knowledge that the firearm is to be subsequently loaned,
27 sold, or transferred to avoid the provisions of subdivision (c) or
28 (d).

29 (B) Knowledge that the firearm is to be subsequently loaned,
30 sold, or transferred to avoid the requirements of any exemption to
31 the provisions of subdivision (c) or (d).

32 (5) No person, corporation, or dealer shall acquire a firearm
33 for the purpose of selling, transferring, or loaning the firearm, if
34 the person, corporation, or dealer has either of the following:

35 (A) In the case of a dealer, intent to violate subdivision (b) or
36 (c).

37 (B) In any other case, intent to avoid either of the following:

38 (i) The provisions of subdivision (d).

39 (ii) The requirements of any exemption to the provisions of
40 subdivision (d).

1 (6) The dealer shall comply with the provisions of paragraph
2 ~~(18) of subdivision~~ *subdivisions (b) and (c)* of Section ~~12071~~
3 *12071.5*.

4 (7) The dealer shall comply with the provisions of paragraph
5 ~~(19) of subdivision (b)~~ *(d)* of Section ~~12071~~ *12071.5*.

6 (8) No person shall sell or otherwise transfer his or her
7 ownership in a pistol, revolver, or other firearm capable of being
8 concealed upon the person unless the firearm bears either:

9 (A) The name of the manufacturer, the manufacturer's make
10 or model, and a manufacturer's serial number assigned to that
11 firearm.

12 (B) The identification number or mark assigned to the firearm
13 by the Department of Justice pursuant to Section 12092.

14 (9) (A) No person shall make an application to purchase more
15 than one pistol, revolver, or other firearm capable of being
16 concealed upon the person within any 30-day period.

17 (B) Subparagraph (A) shall not apply to any of the following:

18 (i) Any law enforcement agency.

19 (ii) Any agency duly authorized to perform law enforcement
20 duties.

21 (iii) Any state or local correctional facility.

22 (iv) Any private security company licensed to do business in
23 California.

24 (v) Any person who is properly identified as a full-time paid
25 peace officer, as defined in Chapter 4.5 (commencing with
26 Section 830) of Title 3 of Part 2, and who is authorized to, and
27 does carry a firearm during the course and scope of his or her
28 employment as a peace officer.

29 (vi) Any motion picture, television, or video production
30 company or entertainment or theatrical company whose
31 production by its nature involves the use of a firearm.

32 (vii) Any person who may, pursuant to Section 12078, claim
33 an exemption from the waiting period set forth in subdivision (c)
34 of this section.

35 (viii) Any transaction conducted through a licensed firearms
36 dealer pursuant to Section 12082.

37 (ix) Any transaction conducted through a law enforcement
38 agency pursuant to Section 12084.

39 (x) Any person who is licensed as a collector pursuant to
40 Chapter 44 (commencing with Section 921) of Title 18 of the

1 United States Code and the regulations issued pursuant thereto
2 and who has a current certificate of eligibility issued to him or
3 her by the Department of Justice pursuant to Section 12071.

4 (xi) The exchange of a pistol, revolver, or other firearm
5 capable of being concealed upon the person where the dealer
6 purchased that firearm from the person seeking the exchange
7 within the 30-day period immediately preceding the date of
8 exchange or replacement.

9 (xii) The replacement of a pistol, revolver, or other firearm
10 capable of being concealed upon the person when the person's
11 pistol, revolver, or other firearm capable of being concealed upon
12 the person was lost or stolen, and the person reported that firearm
13 lost or stolen prior to the completion of the application to
14 purchase to any local law enforcement agency of the city, county,
15 or city and county in which he or she resides.

16 (xiii) The return of any pistol, revolver, or other firearm
17 capable of being concealed upon the person to its owner.

18 (b) No person licensed under Section 12071 shall supply, sell,
19 deliver, or give possession or control of a pistol, revolver, or
20 firearm capable of being concealed upon the person to any
21 person under the age of 21 years or any other firearm to a person
22 under the age of 18 years.

23 (c) No dealer, whether or not acting pursuant to Section
24 12082, shall deliver a firearm to a person, as follows:

25 (1) Within 10 days of the application to purchase, or, after
26 notice by the department pursuant to subdivision (d) of Section
27 12076, within 10 days of the submission to the department of any
28 correction to the application, or within 10 days of the submission
29 to the department of any fee required pursuant to subdivision (e)
30 of Section 12076, whichever is later.

31 (2) Unless unloaded and securely wrapped or unloaded and in
32 a locked container.

33 (3) Unless the purchaser, transferee, or person being loaned
34 the firearm presents clear evidence of his or her identity and age,
35 as defined in Section ~~12071~~ 12071.2, to the dealer.

36 (4) Whenever the dealer is notified by the Department of
37 Justice that the person is in a prohibited class described in
38 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
39 the Welfare and Institutions Code.

1 (5) (A) Commencing April 1, 1994, and until January 1, 2003,
2 no pistol, revolver, or other firearm capable of being concealed
3 upon the person shall be delivered unless the purchaser,
4 transferee, or person being loaned the firearm presents to the
5 dealer a basic firearms safety certificate.

6 (B) Commencing January 1, 2003, no handgun shall be
7 delivered unless the purchaser, transferee, or person being loaned
8 the handgun presents a handgun safety certificate to the dealer.

9 (6) No pistol, revolver, or other firearm capable of being
10 concealed upon the person shall be delivered whenever the dealer
11 is notified by the Department of Justice that within the preceding
12 30-day period the purchaser has made another application to
13 purchase a pistol, revolver, or other firearm capable of being
14 concealed upon the person and that the previous application to
15 purchase involved none of the entities specified in subparagraph
16 (B) of paragraph (9) of subdivision (a).

17 (d) Where neither party to the transaction holds a dealer's
18 license issued pursuant to Section 12071, the parties to the
19 transaction shall complete the sale, loan, or transfer of that
20 firearm through either of the following:

21 (1) A licensed firearms dealer pursuant to Section 12082.

22 (2) A law enforcement agency pursuant to Section 12084.

23 (e) No person may commit an act of collusion relating to
24 Article 8 (commencing with Section 12800) of Chapter 6. For
25 purposes of this section and Section ~~12071~~ 12071.1, collusion
26 may be proven by any one of the following factors:

27 (1) Answering a test applicant's questions during an objective
28 test relating to firearms safety.

29 (2) Knowingly grading the examination falsely.

30 (3) Providing an advance copy of the test to an applicant.

31 (4) Taking or allowing another person to take the basic
32 firearms safety course for one who is the applicant for a basic
33 firearms safety certificate or a handgun safety certificate.

34 (5) Allowing another to take the objective test for the
35 applicant, purchaser, or transferee.

36 (6) Using or allowing another to use one's identification, proof
37 of residency, or thumbprint.

38 (7) Allowing others to give unauthorized assistance during the
39 examination.

1 (8) Reference to unauthorized materials during the
2 examination and cheating by the applicant.

3 (9) Providing originals or photocopies of the objective test, or
4 any version thereof, to any person other than as authorized by the
5 department.

6 (f) (1) No person who is licensed pursuant to Chapter 44
7 (commencing with Section 921) of Title 18 of the United States
8 Code shall deliver, sell, or transfer a firearm to a person who is
9 licensed pursuant to Chapter 44 (commencing with Section 921)
10 of Title 18 of the United States Code and whose licensed
11 premises are located in this state unless:

12 (A) Prior to January 1, 2005, the intended recipient does one
13 of the following:

14 (i) Presents proof of licensure pursuant to Section 12071 to
15 that person.

16 (ii) Presents proof that he or she is exempt from licensure
17 under Section 12071 to that person, in which case the person also
18 shall present proof that the transaction is also exempt from the
19 provisions of subdivision (d).

20 (B) Commencing January 1, 2005, one of the following is
21 satisfied:

22 (i) The person intending to deliver, sell, or transfer the
23 firearms obtains from the department, prior to delivery, a unique
24 verification number pursuant to ~~subdivision (i) of Section 12071~~
25 ~~12071.7~~. The person intending to deliver, sell, or transfer
26 firearms shall provide the unique verification number to the
27 recipient along with the firearms upon delivery, in a manner to be
28 determined by the department.

29 (ii) The intended recipient presents proof that he or she is
30 exempt from licensure under Section 12071 to that person, in
31 which case the person also shall present proof that the transaction
32 is also exempt from the provisions of subdivision (d).

33 (2) (A) On or after January 1, 1998, within 60 days of
34 bringing a pistol, revolver, or other firearm capable of being
35 concealed upon the person into this state, a personal handgun
36 importer shall do one of the following:

37 (i) Forward by prepaid mail or deliver in person to the
38 Department of Justice, a report prescribed by the department
39 including information concerning that individual and a
40 description of the firearm in question.

1 (ii) Sell or transfer the firearm in accordance with the
2 provisions of subdivision (d) or in accordance with the provisions
3 of an exemption from subdivision (d).

4 (iii) Sell or transfer the firearm to a dealer licensed pursuant to
5 Section 12071.

6 (iv) Sell or transfer the firearm to a sheriff or police
7 department.

8 (B) If the personal handgun importer sells or transfers the
9 pistol, revolver, or other firearm capable of being concealed upon
10 the person pursuant to subdivision (d) of Section 12072 and the
11 sale or transfer cannot be completed by the dealer to the
12 purchaser or transferee, and the firearm can be returned to the
13 personal handgun importer, the personal handgun importer shall
14 have complied with the provisions of this paragraph.

15 (C) The provisions of this paragraph are cumulative and shall
16 not be construed as restricting the application of any other law.
17 However, an act or omission punishable in different ways by this
18 section and different provisions of the Penal Code shall not be
19 punished under more than one provision.

20 (D) (i) On and after January 1, 1998, the department shall
21 conduct a public education and notification program regarding
22 this paragraph to ensure a high degree of publicity of the
23 provisions of this paragraph.

24 (ii) As part of the public education and notification program
25 described in this subparagraph, the department shall do all of the
26 following:

27 (I) Work in conjunction with the Department of Motor
28 Vehicles to ensure that any person who is subject to this
29 paragraph is advised of the provisions of this paragraph, and
30 provided with blank copies of the report described in clause (i) of
31 subparagraph (A) at the time that person applies for a California
32 driver's license or registers his or her motor vehicle in
33 accordance with the Vehicle Code.

34 (II) Make the reports referred to in clause (i) of subparagraph
35 (A) available to dealers licensed pursuant to Section 12071.

36 (III) Make the reports referred to in clause (i) of subparagraph
37 (A) available to law enforcement agencies.

38 (IV) Make persons subject to the provisions of this paragraph
39 aware of the fact that reports referred to in clause (i) of
40 subparagraph (A) may be completed at either the licensed

premises of dealers licensed pursuant to Section 12071 or at law enforcement agencies, that it is advisable to do so for the sake of accuracy and completeness of the reports, that prior to transporting a pistol, revolver, or other firearm capable of being concealed upon the person to a law enforcement agency in order to comply with subparagraph (A), the person should give prior notice to the law enforcement agency that he or she is doing so, and that in any event, the pistol, revolver, or other firearm capable of being concealed upon the person should be transported unloaded and in a locked container.

(iii) Any costs incurred by the department to implement this paragraph shall be absorbed by the department within its existing budget and the fees in the Dealers' Record of Sale Special Account allocated for implementation of this subparagraph pursuant to Section 12076.

(3) Where a person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, whose licensed premises are within this state, acquires a pistol, revolver, or other firearm capable of being concealed upon the person that is a curio or relic, as defined in Section 478.11 of Title 27 of the Code of Federal Regulations, outside of this state, takes actual possession of that firearm outside of this state pursuant to the provisions of subsection (j) of Section 923 of Title 18 of the United States Code, as amended by Public Law 104-208, and transports that firearm into this state, within five days of that licensed collector transporting that firearm into this state, he or she shall report to the department in a format prescribed by the department his or her acquisition of that firearm.

(4) (A) It is the intent of the Legislature that a violation of paragraph (2) or (3) shall not constitute a "continuing offense" and the statute of limitations for commencing a prosecution for a violation of paragraph (2) or (3) commences on the date that the applicable grace period specified in paragraph (2) or (3) expires.

(B) Paragraphs (2) and (3) shall not apply to a person who reports his or her ownership of a pistol, revolver, or other firearm capable of being concealed upon the person after the applicable grace period specified in paragraph (2) or (3) expires if evidence

1 of that violation arises only as the result of the person submitting
2 the report described in paragraph (2) or (3).

3 (g) (1) Except as provided in paragraph (2), (3), or (5), a
4 violation of this section is a misdemeanor.

5 (2) If any of the following circumstances apply, a violation of
6 this section is punishable by imprisonment in the state prison for
7 two, three, or four years.

8 (A) If the violation is of paragraph (1) of subdivision (a).

9 (B) If the defendant has a prior conviction of violating the
10 provisions, other than paragraph (9) of subdivision (a), of this
11 section or former Section 12100 of this code or Section 8101 of
12 the Welfare and Institutions Code.

13 (C) If the defendant has a prior conviction of violating any
14 offense specified in subdivision (b) of Section 12021.1 or of a
15 violation of Section 12020, 12220, or 12520, or of former
16 Section 12560.

17 (D) If the defendant is in a prohibited class described in
18 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
19 the Welfare and Institutions Code.

20 (E) A violation of this section by a person who actively
21 participates in a “criminal street gang” as defined in Section
22 186.22.

23 (F) A violation of subdivision (b) involving the delivery of any
24 firearm to a person who the dealer knows, or should know, is a
25 minor.

26 (3) If any of the following circumstances apply, a violation of
27 this section shall be punished by imprisonment in a county jail
28 not exceeding one year or in the state prison, or by a fine not to
29 exceed one thousand dollars (\$1,000), or by both that fine and
30 imprisonment.

31 (A) A violation of paragraph (2), (4), or (5) of subdivision (a).

32 (B) A violation of paragraph (3) of subdivision (a) involving
33 the sale, loan, or transfer of a pistol, revolver, or other firearm
34 capable of being concealed upon the person to a minor.

35 (C) A violation of subdivision (b) involving the delivery of a
36 pistol, revolver, or other firearm capable of being concealed upon
37 the person.

38 (D) A violation of paragraph (1), (3), (4), (5), or (6) of
39 subdivision (c) involving a pistol, revolver, or other firearm
40 capable of being concealed upon the person.

1 (E) A violation of subdivision (d) involving a pistol, revolver,
2 or other firearm capable of being concealed upon the person.

3 (F) A violation of subdivision (e).

4 (4) If both of the following circumstances apply, an additional
5 term of imprisonment in the state prison for one, two, or three
6 years shall be imposed in addition and consecutive to the
7 sentence prescribed.

8 (A) A violation of paragraph (2) of subdivision (a) or
9 subdivision (b).

10 (B) The firearm transferred in violation of paragraph (2) of
11 subdivision (a) or subdivision (b) is used in the subsequent
12 commission of a felony for which a conviction is obtained and
13 the prescribed sentence is imposed.

14 (5) (A) A first violation of paragraph (9) of subdivision (a) is
15 an infraction punishable by a fine of fifty dollars (\$50).

16 (B) A second violation of paragraph (9) of subdivision (a) is
17 an infraction punishable by a fine of one hundred dollars (\$100).

18 (C) A third or subsequent violation of paragraph (9) of
19 subdivision (a) is a misdemeanor.

20 (D) For purposes of this paragraph each application to
21 purchase a pistol, revolver, or other firearm capable of being
22 concealed upon the person in violation of paragraph (9) of
23 subdivision (a) shall be deemed a separate offense.

24 SEC. 21. Section 12076 of the Penal Code is amended to
25 read:

26 12076. (a) (1) Before January 1, 1998, the Department of
27 Justice shall determine the method by which a dealer shall submit
28 firearm purchaser information to the department and the
29 information shall be in one of the following formats:

30 (A) Submission of the register described in Section 12077.

31 (B) Electronic or telephonic transfer of the information
32 contained in the register described in Section 12077.

33 (2) On or after January 1, 1998, electronic or telephonic
34 transfer, including voice or facsimile transmission, shall be the
35 exclusive means by which purchaser information is transmitted
36 to the department.

37 (3) On or after January 1, 2003, except as permitted by the
38 department, electronic transfer shall be the exclusive means by
39 which information is transmitted to the department. Telephonic

1 transfer shall not be permitted for information regarding sales of
2 any firearms.

3 (b) (1) Where the register is used, the purchaser of any
4 firearm shall be required to present clear evidence of his or her
5 identity and age, as defined in Section ~~12071~~ 12071.2, to the
6 dealer, and the dealer shall require him or her to sign his or her
7 current legal name and affix his or her residence address and date
8 of birth to the register in quadruplicate. The salesperson shall
9 affix his or her signature to the register in quadruplicate as a
10 witness to the signature and identification of the purchaser. Any
11 person furnishing a fictitious name or address or knowingly
12 furnishing any incorrect information or knowingly omitting any
13 information required to be provided for the register and any
14 person violating any provision of this section is guilty of a
15 misdemeanor.

16 (2) The original of the register shall be retained by the dealer
17 in consecutive order. Each book of 50 originals shall become the
18 permanent register of transactions that shall be retained for not
19 less than three years from the date of the last transaction and
20 shall be available for the inspection of any peace officer,
21 Department of Justice employee designated by the Attorney
22 General, or agent of the federal Bureau of Alcohol, Tobacco, and
23 Firearms upon the presentation of proper identification, but no
24 information shall be compiled therefrom regarding the purchasers
25 or other transferees of firearms that are not pistols, revolvers, or
26 other firearms capable of being concealed upon the person.

27 (3) Two copies of the original sheet of the register, on the date
28 of the application to purchase, shall be placed in the mail,
29 postage prepaid, and properly addressed to the Department of
30 Justice in Sacramento.

31 (4) If requested, a photocopy of the original shall be provided
32 to the purchaser by the dealer.

33 (5) If the transaction is one conducted pursuant to Section
34 12082, a photocopy of the original shall be provided to the seller
35 by the dealer, upon request.

36 (c) (1) Where the electronic or telephonic transfer of applicant
37 information is used, the purchaser shall be required to present
38 clear evidence of his or her identity and age, as defined in
39 Section ~~12071~~ 12071.2, to the dealer, and the dealer shall require
40 him or her to sign his or her current legal name to the record of

1 electronic or telephonic transfer. The salesperson shall affix his
2 or her signature to the record of electronic or telephonic transfer
3 as a witness to the signature and identification of the purchaser.
4 Any person furnishing a fictitious name or address or knowingly
5 furnishing any incorrect information or knowingly omitting any
6 information required to be provided for the electronic or
7 telephonic transfer and any person violating any provision of this
8 section is guilty of a misdemeanor.

9 (2) The record of applicant information shall be transmitted to
10 the Department of Justice in Sacramento by electronic or
11 telephonic transfer on the date of the application to purchase.

12 (3) The original of each record of electronic or telephonic
13 transfer shall be retained by the dealer in consecutive order. Each
14 original shall become the permanent record of the transaction that
15 shall be retained for not less than three years from the date of the
16 last transaction and shall be provided for the inspection of any
17 peace officer, Department of Justice employee designated by the
18 Attorney General, or agent of the federal Bureau of Alcohol,
19 Tobacco, and Firearms, upon the presentation of proper
20 identification, but no information shall be compiled therefrom
21 regarding the purchasers or other transferees of firearms that are
22 not pistols, revolvers, or other firearms capable of being
23 concealed upon the person.

24 (4) If requested, a copy of the record of electronic or
25 telephonic transfer shall be provided to the purchaser by the
26 dealer.

27 (5) If the transaction is one conducted pursuant to Section
28 12082, a copy shall be provided to the seller by the dealer, upon
29 request.

30 (d) (1) The department shall examine its records, as well as
31 those records that it is authorized to request from the State
32 Department of Mental Health pursuant to Section 8104 of the
33 Welfare and Institutions Code, in order to determine if the
34 purchaser is a person described in Section 12021, 12021.1, or
35 subparagraph (A) of paragraph (9) of subdivision (a) of Section
36 12072 of this code or Section 8100 or 8103 of the Welfare and
37 Institutions Code.

38 (2) To the extent that funding is available, the Department of
39 Justice may participate in the National Instant Criminal
40 Background Check System (NICS), as described in subsection (t)

1 of Section 922 of Title 18 of the United States Code, and, if that
2 participation is implemented, shall notify the dealer and the chief
3 of the police department of the city or city and county in which
4 the sale was made, or if the sale was made in a district in which
5 there is no municipal police department, the sheriff of the county
6 in which the sale was made, that the purchaser is a person
7 prohibited from acquiring a firearm under federal law.

8 (3) If the department determines that the purchaser is a person
9 described in Section 12021, 12021.1, or subparagraph (A) of
10 paragraph (9) of subdivision (a) of Section 12072 of this code or
11 Section 8100 or 8103 of the Welfare and Institutions Code, it
12 shall immediately notify the dealer and the chief of the police
13 department of the city or city and county in which the sale was
14 made, or if the sale was made in a district in which there is no
15 municipal police department, the sheriff of the county in which
16 the sale was made, of that fact.

17 (4) If the department determines that the copies of the register
18 submitted to it pursuant to paragraph (3) of subdivision (b)
19 contain any blank spaces or inaccurate, illegible, or incomplete
20 information, preventing identification of the purchaser or the
21 pistol, revolver, or other firearm to be purchased, or if any fee
22 required pursuant to subdivision (e) is not submitted by the
23 dealer in conjunction with submission of copies of the register,
24 the department may notify the dealer of that fact. Upon
25 notification by the department, the dealer shall submit corrected
26 copies of the register to the department, or shall submit any fee
27 required pursuant to subdivision (e), or both, as appropriate and,
28 if notification by the department is received by the dealer at any
29 time prior to delivery of the firearm to be purchased, the dealer
30 shall withhold delivery until the conclusion of the waiting period
31 described in Sections ~~12071~~ 12071.2 and 12072.

32 (5) If the department determines that the information
33 transmitted to it pursuant to subdivision (c) contains inaccurate or
34 incomplete information preventing identification of the purchaser
35 or the pistol, revolver, or other firearm capable of being
36 concealed upon the person to be purchased, or if the fee required
37 pursuant to subdivision (e) is not transmitted by the dealer in
38 conjunction with transmission of the electronic or telephonic
39 record, the department may notify the dealer of that fact. Upon
40 notification by the department, the dealer shall transmit

1 corrections to the record of electronic or telephonic transfer to
2 the department, or shall transmit any fee required pursuant to
3 subdivision (e), or both, as appropriate, and if notification by the
4 department is received by the dealer at any time prior to delivery
5 of the firearm to be purchased, the dealer shall withhold delivery
6 until the conclusion of the waiting period described in Sections
7 ~~12071~~ 12071.2 and 12072.

8 (e) The Department of Justice may require the dealer to charge
9 each firearm purchaser a fee not to exceed fourteen dollars (\$14),
10 except that the fee may be increased at a rate not to exceed any
11 increase in the California Consumer Price Index as compiled and
12 reported by the California Department of Industrial Relations.
13 The fee shall be no more than is necessary to fund the following:

14 (1) (A) The department for the cost of furnishing this
15 information.

16 (B) The department for the cost of meeting its obligations
17 under paragraph (2) of subdivision (b) of Section 8100 of the
18 Welfare and Institutions Code.

19 (2) Local mental health facilities for state-mandated local costs
20 resulting from the reporting requirements imposed by Section
21 8103 of the Welfare and Institutions Code.

22 (3) The State Department of Mental Health for the costs
23 resulting from the requirements imposed by Section 8104 of the
24 Welfare and Institutions Code.

25 (4) Local mental hospitals, sanitariums, and institutions for
26 state-mandated local costs resulting from the reporting
27 requirements imposed by Section 8105 of the Welfare and
28 Institutions Code.

29 (5) Local law enforcement agencies for state-mandated local
30 costs resulting from the notification requirements set forth in
31 subdivision (a) of Section 6385 of the Family Code.

32 (6) Local law enforcement agencies for state-mandated local
33 costs resulting from the notification requirements set forth in
34 subdivision (c) of Section 8105 of the Welfare and Institutions
35 Code.

36 (7) For the actual costs associated with the electronic or
37 telephonic transfer of information pursuant to subdivision (c).

38 (8) The Department of Food and Agriculture for the costs
39 resulting from the notification provisions set forth in Section
40 5343.5 of the Food and Agricultural Code.

1 (9) The department for the costs associated with subparagraph
2 (D) of paragraph (2) of subdivision (f) of Section 12072.

3 (10) The department for the costs associated with funding
4 Department of Justice firearms-related regulatory and
5 enforcement activities related to the sale, purchase, loan, or
6 transfer of firearms pursuant to this chapter.

7 The fee established pursuant to this subdivision shall not
8 exceed the sum of the actual processing costs of the department,
9 the estimated reasonable costs of the local mental health facilities
10 for complying with the reporting requirements imposed by
11 paragraph (2) of this subdivision, the costs of the State
12 Department of Mental Health for complying with the
13 requirements imposed by paragraph (3) of this subdivision, the
14 estimated reasonable costs of local mental hospitals, sanitariums,
15 and institutions for complying with the reporting requirements
16 imposed by paragraph (4) of this subdivision, the estimated
17 reasonable costs of local law enforcement agencies for
18 complying with the notification requirements set forth in
19 subdivision (a) of Section 6385 of the Family Code, the
20 estimated reasonable costs of local law enforcement agencies for
21 complying with the notification requirements set forth in
22 subdivision (c) of Section 8105 of the Welfare and Institutions
23 Code imposed by paragraph (6) of this subdivision, the estimated
24 reasonable costs of the Department of Food and Agriculture for
25 the costs resulting from the notification provisions set forth in
26 Section 5343.5 of the Food and Agricultural Code, the estimated
27 reasonable costs of the department for the costs associated with
28 subparagraph (D) of paragraph (2) of subdivision (f) of Section
29 12072, and the estimated reasonable costs of department
30 firearms-related regulatory and enforcement activities related to
31 the sale, purchase, loan, or transfer of firearms pursuant to this
32 chapter.

33 (f) (1) The Department of Justice may charge a fee sufficient
34 to reimburse it for each of the following but not to exceed
35 fourteen dollars (\$14), except that the fee may be increased at a
36 rate not to exceed any increase in the California Consumer Price
37 Index as compiled and reported by the California Department of
38 Industrial Relations:

39 (A) For the actual costs associated with the preparation, sale,
40 processing, and filing of forms or reports required or utilized

1 pursuant to Section 12078 if neither a dealer nor a law
2 enforcement agency acting pursuant to Section 12084 is filing the
3 form or report.

4 (B) For the actual processing costs associated with the
5 submission of a Dealers' Record of Sale to the department by a
6 dealer or of the submission of a LEFT to the department by a law
7 enforcement agency acting pursuant to Section 12084 if the
8 waiting period described in Sections ~~12071~~ 12071.2, 12072, and
9 12084 does not apply.

10 (C) For the actual costs associated with the preparation, sale,
11 processing, and filing of reports utilized pursuant to subdivision
12 (l) of Section 12078 or ~~paragraph (18)~~ of subdivision (b) of
13 Section ~~12071~~ 12071.5, or clause (i) of subparagraph (A) of
14 paragraph (2) of subdivision (f) of Section 12072, or paragraph
15 (3) of subdivision (f) of Section 12072.

16 (D) For the actual costs associated with the electronic or
17 telephonic transfer of information pursuant to subdivision (c).

18 (2) If the department charges a fee pursuant to subparagraph
19 (B) of paragraph (1) of this subdivision, it shall be charged in the
20 same amount to all categories of transaction that are within that
21 subparagraph.

22 (3) Any costs incurred by the Department of Justice to
23 implement this subdivision shall be reimbursed from fees
24 collected and charged pursuant to this subdivision. No fees shall
25 be charged to the dealer pursuant to subdivision (e) or to a law
26 enforcement agency acting pursuant to paragraph (6) of
27 subdivision (d) of Section 12084 for costs incurred for
28 implementing this subdivision.

29 (g) All money received by the department pursuant to this
30 section shall be deposited in the Dealers' Record of Sale Special
31 Account of the General Fund, which is hereby created, to be
32 available, upon appropriation by the Legislature, for expenditure
33 by the department to offset the costs incurred pursuant to this
34 section, paragraph (1) and subparagraph (D) of paragraph (2) of
35 subdivision (f) of Section 12072, Sections 12083 and 12099,
36 subdivision (c) of Section 12131, Sections 12234, 12289, and
37 12289.5, and subdivisions (f) and (g) of Section 12305.

38 (h) Where the electronic or telephonic transfer of applicant
39 information is used, the department shall establish a system to be

1 used for the submission of the fees described in subdivision (e) to
2 the department.

3 (i) (1) Only one fee shall be charged pursuant to this section
4 for a single transaction on the same date for the sale of any
5 number of firearms that are not pistols, revolvers, or other
6 firearms capable of being concealed upon the person or for the
7 taking of possession of those firearms.

8 (2) In a single transaction on the same date for the delivery of
9 any number of firearms that are pistols, revolvers, or other
10 firearms capable of being concealed upon the person, the
11 department shall charge a reduced fee pursuant to this section for
12 the second and subsequent firearms that are part of that
13 transaction.

14 (j) Only one fee shall be charged pursuant to this section for a
15 single transaction on the same date for taking title or possession
16 of any number of firearms pursuant to ~~paragraph (18) of~~
17 subdivision (b) of Section ~~12071~~ 12071.5 or subdivision (c) or (i)
18 of Section 12078.

19 (k) Whenever the Department of Justice acts pursuant to this
20 section as it pertains to firearms other than pistols, revolvers, or
21 other firearms capable of being concealed upon the person, the
22 department's acts or omissions shall be deemed to be
23 discretionary within the meaning of the California Tort Claims
24 Act pursuant to Division 3.6 (commencing with Section 810) of
25 Title 1 of the Government Code.

26 (l) *All sales contracts shall have conspicuously printed on the*
27 *first page, the following warning:*

28 *"Warning: The State of California has determined that guns in*
29 *the home are much more likely to be used to kill or injure a*
30 *household member than to protect against an attacker. It is safest*
31 *not to keep a gun in the home. If a gun is kept in the home, it*
32 *should be kept unloaded and securely locked, with the*
33 *ammunition locked up separately."*

34 (m) As used in this section, the following definitions apply:

35 (1) "Purchaser" means the purchaser or transferee of a firearm
36 or a person being loaned a firearm.

37 (2) "Purchase" means the purchase, loan, or transfer of a
38 firearm.

39 (3) "Sale" means the sale, loan, or transfer of a firearm.

1 (4) “Seller” means, if the transaction is being conducted
2 pursuant to Section 12082, the person selling, loaning, or
3 transferring the firearm.

4 SEC. 22. Section 12078 of the Penal Code is amended to
5 read:

6 12078. (a) (1) The waiting periods described in Sections
7 ~~12071~~ 12071.2, 12072, and 12084 shall not apply to deliveries,
8 transfers, or sales of firearms made to persons properly identified
9 as full-time paid peace officers as defined in Chapter 4.5
10 (commencing with Section 830) of Title 3 of Part 2, provided
11 that the peace officers are authorized by their employer to carry
12 firearms while in the performance of their duties. Proper
13 identification is defined as verifiable written certification from
14 the head of the agency by which the purchaser or transferee is
15 employed, identifying the purchaser or transferee as a peace
16 officer who is authorized to carry firearms while in the
17 performance of his or her duties, and authorizing the purchase or
18 transfer. The certification shall be delivered to the dealer or local
19 law enforcement agency acting pursuant to Section 12084 at the
20 time of purchase or transfer and the purchaser or transferee shall
21 identify himself or herself as the person authorized in the
22 certification. The dealer or local law enforcement agency shall
23 keep the certification with the record of sale, or LEFT, as the
24 case may be. On the date that the delivery, sale, or transfer is
25 made, the dealer delivering the firearm or the law enforcement
26 agency processing the transaction pursuant to Section 12084
27 shall forward by prepaid mail to the Department of Justice a
28 report of the transaction pursuant to subdivision (b) or (c) of
29 Section 12077 or Section 12084. If electronic or telephonic
30 transfer of applicant information is used, on the date that the
31 application to purchase is completed, the dealer delivering the
32 firearm shall transmit to the Department of Justice an electronic
33 or telephonic report of the transaction as is indicated in
34 subdivision (b) or (c) of Section 12077.

35 (2) Subdivision (b) of Section 12801 and the preceding
36 provisions of this article do not apply to deliveries, transfers, or
37 sales of firearms made to authorized law enforcement
38 representatives of cities, counties, cities and counties, or state or
39 federal governments for exclusive use by those governmental
40 agencies if, prior to the delivery, transfer, or sale of these

1 firearms, written authorization from the head of the agency
2 authorizing the transaction is presented to the person from whom
3 the purchase, delivery, or transfer is being made. Proper written
4 authorization is defined as verifiable written certification from
5 the head of the agency by which the purchaser or transferee is
6 employed, identifying the employee as an individual authorized
7 to conduct the transaction, and authorizing the transaction for the
8 exclusive use of the agency by which he or she is employed.
9 Within 10 days of the date a handgun is acquired by the agency,
10 a record of the same shall be entered as an institutional weapon
11 into the Automated Firearms System (AFS) via the California
12 Law Enforcement Telecommunications System (CLETS) by the
13 law enforcement or state agency. Those agencies without access
14 to AFS shall arrange with the sheriff of the county in which the
15 agency is located to input this information via this system.

16 (3) Subdivision (b) of Section 12801 and the preceding
17 provisions of this article do not apply to the loan of a firearm
18 made by an authorized law enforcement representative of a city,
19 county, or city and county, or the state or federal government to a
20 peace officer employed by that agency and authorized to carry a
21 firearm for the carrying and use of that firearm by that peace
22 officer in the course and scope of his or her duties.

23 (4) Subdivision (b) of Section 12801 and the preceding
24 provisions of this article do not apply to the delivery, sale, or
25 transfer of a firearm by a law enforcement agency to a peace
26 officer pursuant to Section 10334 of the Public Contract Code.
27 Within 10 days of the date that a handgun is sold, delivered, or
28 transferred pursuant to Section 10334 of the Public Contract
29 Code to that peace officer, the name of the officer and the make,
30 model, serial number, and other identifying characteristics of the
31 firearm being sold, transferred, or delivered shall be entered into
32 the Automated Firearms System (AFS) via the California Law
33 Enforcement Telecommunications System (CLETS) by the law
34 enforcement or state agency that sold, transferred, or delivered
35 the firearm. Those agencies without access to AFS shall arrange
36 with the sheriff of the county in which the agency is located to
37 input this information via this system.

38 (5) Subdivision (b) of Section 12801 and the preceding
39 provisions of this article do not apply to the delivery, sale, or
40 transfer of a firearm by a law enforcement agency to a retiring

1 peace officer who is authorized to carry a firearm pursuant to
2 Section 12027.1. Within 10 days of the date that a handgun is
3 sold, delivered, or transferred to that retiring peace officer, the
4 name of the officer and the make, model, serial number, and
5 other identifying characteristics of the firearm being sold,
6 transferred, or delivered shall be entered into the Automated
7 Firearms System (AFS) via the California Law Enforcement
8 Telecommunications System (CLETS) by the law enforcement or
9 state agency that sold, transferred, or delivered the firearm.
10 Those agencies without access to AFS shall arrange with the
11 sheriff of the county in which the agency is located to input this
12 information via this system.

13 (6) Subdivision (d) of Section 12072 and subdivision (b) of
14 Section 12801 do not apply to sales, deliveries, or transfers of
15 firearms to authorized representatives of cities, cities and
16 counties, counties, or state or federal governments for those
17 governmental agencies where the entity is acquiring the weapon
18 as part of an authorized, voluntary program where the entity is
19 buying or receiving weapons from private individuals. Any
20 weapons acquired pursuant to this paragraph shall be disposed of
21 pursuant to the applicable provisions of Section 12028 or 12032.

22 (7) Subdivision (d) of Section 12072 and subdivision (b) of
23 Section 12801 shall not apply to the sale, loan, delivery, or
24 transfer of a firearm made by an authorized law enforcement
25 representative of a city, county, city and county, state, or the
26 federal government to any public or private nonprofit historical
27 society, museum, or institutional collection or the purchase or
28 receipt of that firearm by that public or private nonprofit
29 historical society, museum, or institutional collection if all of the
30 following conditions are met:

31 (A) The entity receiving the firearm is open to the public.

32 (B) The firearm prior to delivery is deactivated or rendered
33 inoperable.

34 (C) The firearm is not subject to Section 12028, 12028.5,
35 12030, or 12032.

36 (D) The firearm is not prohibited by other provisions of law
37 from being sold, delivered, or transferred to the public at large.

38 (E) Prior to delivery, the entity receiving the firearm submits a
39 written statement to the law enforcement representative stating
40 that the firearm will not be restored to operating condition, and

1 will either remain with that entity, or if subsequently disposed of,
2 will be transferred in accordance with the applicable provisions
3 of this article and, if applicable, Section 12801.

4 (F) Within 10 days of the date that the firearm is sold, loaned,
5 delivered, or transferred to that entity, the name of the
6 government entity delivering the firearm, and the make, model,
7 serial number, and other identifying characteristics of the firearm
8 and the name of the person authorized by the entity to take
9 possession of the firearm shall be reported to the department in a
10 manner prescribed by the department.

11 (G) In the event of a change in the status of the designated
12 representative, the entity shall notify the department of a new
13 representative within 30 days.

14 (8) Subdivision (d) of Section 12072 and subdivision (b) of
15 Section 12801 shall not apply to the sale, loan, delivery, or
16 transfer of a firearm made by any person other than a
17 representative of an authorized law enforcement agency to any
18 public or private nonprofit historical society, museum, or
19 institutional collection if all of the following conditions are met:

20 (A) The entity receiving the firearm is open to the public.

21 (B) The firearm is deactivated or rendered inoperable prior to
22 delivery.

23 (C) The firearm is not of a type prohibited from being sold,
24 delivered, or transferred to the public.

25 (D) Prior to delivery, the entity receiving the firearm submits a
26 written statement to the person selling, loaning, or transferring
27 the firearm stating that the firearm will not be restored to
28 operating condition, and will either remain with that entity, or if
29 subsequently disposed of, will be transferred in accordance with
30 the applicable, provisions of this article and, if applicable Section
31 12801.

32 (E) If title to a handgun is being transferred to the public or
33 private nonprofit historical society, museum, or institutional
34 collection, then the designated representative of that public or
35 private historical society, museum or institutional collection
36 within 30 days of taking possession of that handgun, shall
37 forward by prepaid mail or deliver in person to the Department of
38 Justice, a single report signed by both parties to the transaction,
39 that includes information identifying the person representing that
40 public or private historical society, museum, or institutional

collection, how title was obtained and from whom, and a description of the firearm in question, along with a copy of the written statement referred to in subparagraph (D). The report forms that are to be completed pursuant to this paragraph shall be provided by the Department of Justice.

(F) In the event of a change in the status of the designated representative, the entity shall notify the department of a new representative within 30 days.

(b) (1) ~~Section~~ *Sections 12071, 12071.1, 12071.2, 12071.3, 12071.5*, subdivisions (c) and (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to deliveries, sales, or transfers of firearms between or to importers and manufacturers of firearms licensed to engage in that business pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(2) Subdivision (b) of Section 12801 shall not apply to the delivery, sale, or transfer of a handgun to a person licensed pursuant to Section 12071, where the licensee is receiving the handgun in the course and scope of his or her activities as a person licensed pursuant to Section 12071.

(c) (1) Subdivision (d) of Section 12072 shall not apply to the infrequent transfer of a firearm that is not a handgun by gift, bequest, intestate succession, or other means by one individual to another if both individuals are members of the same immediate family.

(2) Subdivision (d) of Section 12072 shall not apply to the infrequent transfer of a handgun by gift, bequest, intestate succession, or other means by one individual to another if both individuals are members of the same immediate family and both of the following conditions are met:

(A) The person to whom the firearm is transferred shall, within 30 days of taking possession of the firearm, forward by prepaid mail or deliver in person to the Department of Justice, a report that includes information concerning the individual taking possession of the firearm, how title was obtained and from whom, and a description of the firearm in question. The report forms that individuals complete pursuant to this paragraph shall be provided to them by the Department of Justice.

1 (B) The person taking title to the firearm shall first obtain a
2 handgun safety certificate.

3 (C) The person receiving the firearm is 18 years of age or
4 older.

5 (3) As used in this subdivision, “immediate family member”
6 means any one of the following relationships:

7 (A) Parent and child.

8 (B) Grandparent and grandchild.

9 (d) (1) Subdivision (d) of Section 12072 shall not apply to the
10 infrequent loan of firearms between persons who are personally
11 known to each other for any lawful purpose, if the loan does not
12 exceed 30 days in duration and, when the firearm is a handgun,
13 commencing January 1, 2003, the individual being loaned the
14 handgun has a valid handgun safety certificate.

15 (2) Subdivision (d) of Section 12072, and subdivision (b) of
16 Section 12801 shall not apply to the loan of a firearm where all
17 of the following conditions exist:

18 (A) The person loaning the firearm is at all times within the
19 presence of the person being loaned the firearm.

20 (B) The loan is for a lawful purpose.

21 (C) The loan does not exceed three days in duration.

22 (D) The individual receiving the firearm is not prohibited from
23 owning or possessing a firearm pursuant to Section 12021 or
24 12021.1 of this code, or by Section 8100 or 8103 of the Welfare
25 and Institutions Code.

26 (E) The person loaning the firearm is 18 years of age or older.

27 (F) The person being loaned the firearm is 18 years of age or
28 older.

29 (e) ~~Section~~ *Sections* 12071, 12071.1, 12071.2, 12071.3,
30 12071.5, subdivisions (c) and (d) of Section 12072, and
31 subdivision (b) of Section 12801 shall not apply to the delivery
32 of a firearm to a gunsmith for service or repair, or to the return of
33 the firearm to its owner by the gunsmith.

34 (f) Subdivision (d) of Section 12072 and subdivision (b) of
35 Section 12801 shall not apply to the sale, delivery, or transfer of
36 firearms by persons who reside in this state to persons who reside
37 outside this state who are licensed pursuant to Chapter 44
38 (commencing with Section 921) of Title 18 of the United States
39 Code and the regulations issued pursuant thereto, if the sale,
40 delivery, or transfer is in accordance with Chapter 44

1 (commencing with Section 921) of Title 18 of the United States
2 Code and the regulations issued pursuant thereto.

3 (g) (1) Subdivision (d) of Section 12072 shall not apply to the
4 infrequent sale or transfer of a firearm, other than a handgun, at
5 auctions or similar events conducted by nonprofit mutual or
6 public benefit corporations organized pursuant to the
7 Corporations Code.

8 As used in this paragraph, the term “infrequent” shall not be
9 construed to prohibit different local chapters of the same
10 nonprofit corporation from conducting auctions or similar events,
11 provided the individual local chapter conducts the auctions or
12 similar events infrequently. It is the intent of the Legislature that
13 different local chapters, representing different localities, be
14 entitled to invoke the exemption created by this paragraph,
15 notwithstanding the frequency with which other chapters of the
16 same nonprofit corporation may conduct auctions or similar
17 events.

18 (2) Subdivision (d) of Section 12072 shall not apply to the
19 transfer of a firearm other than a handgun, if the firearm is
20 donated for an auction or similar event described in paragraph (1)
21 and the firearm is delivered to the nonprofit corporation
22 immediately preceding, or contemporaneous with, the auction or
23 similar event.

24 (3) The waiting period described in Sections ~~12071~~ 12071.2
25 and 12072 shall not apply to a dealer who delivers a firearm
26 other than a handgun at an auction or similar event described in
27 paragraph (1), as authorized by ~~subparagraph (C) of paragraph~~
28 ~~(4) of subdivision (b) of Section 12071~~ 12071.1. Within two
29 business days of completion of the application to purchase, the
30 dealer shall forward by prepaid mail to the Department of Justice
31 a report of the same as is indicated in subdivision (c) of Section
32 12077. If the electronic or telephonic transfer of applicant
33 information is used, within two business days of completion of
34 the application to purchase, the dealer delivering the firearm shall
35 transmit to the Department of Justice an electronic or telephonic
36 report of the same as is indicated in subdivision (c) of Section
37 12077.

38 (h) Subdivision (d) of Section 12072 and subdivision (b) of
39 Section 12801 shall not apply to the loan of a firearm to a person
40 18 years of age or older for the purposes of shooting at targets if

1 the loan occurs on the premises of a target facility that holds a
2 business or regulatory license or on the premises of any club or
3 organization organized for the purposes of practicing shooting at
4 targets upon established ranges, whether public or private, if the
5 firearm is at all times kept within the premises of the target range
6 or on the premises of the club or organization.

7 (i) (1) Subdivision (d) of Section 12072 shall not apply to a
8 person who takes title or possession of a firearm that is not a
9 handgun by operation of law if the person is not prohibited by
10 Section 12021 or 12021.1 of this code or Section 8100 or 8103 of
11 the Welfare and Institutions Code from possessing firearms.

12 (2) Subdivision (d) of Section 12072 shall not apply to a
13 person who takes title or possession of a handgun by operation of
14 law if the person is not prohibited by Section 12021 or 12021.1
15 of this code or Section 8100 or 8103 of the Welfare and
16 Institutions Code from possessing firearms and all of the
17 following conditions are met:

18 (A) If the person taking title or possession is neither a levying
19 officer as defined in Section 481.140, 511.060, or 680.210 of the
20 Code of Civil Procedure, nor a person who is receiving that
21 firearm pursuant to subparagraph (G), (I), or (J) of paragraph (2)
22 of subdivision (u), the person shall, within 30 days of taking
23 possession, forward by prepaid mail or deliver in person to the
24 Department of Justice, a report of information concerning the
25 individual taking possession of the firearm, how title or
26 possession was obtained and from whom, and a description of the
27 firearm in question. The reports that individuals complete
28 pursuant to this paragraph shall be provided to them by the
29 department.

30 (B) If the person taking title or possession is receiving the
31 firearm pursuant to subparagraph (G) of paragraph (2) of
32 subdivision (u), the person shall do both of the following:

33 (i) Within 30 days of taking possession, forward by prepaid
34 mail or deliver in person to the department, a report of
35 information concerning the individual taking possession of the
36 firearm, how title or possession was obtained and from whom,
37 and a description of the firearm in question. The reports that
38 individuals complete pursuant to this paragraph shall be provided
39 to them by the department.

1 (ii) Prior to taking title or possession of the firearm, the person
2 shall obtain a handgun safety certificate.

3 (C) Where the person receiving title or possession of the
4 handgun is a person described in subparagraph (I) of paragraph
5 (2) of subdivision (u), on the date that the person is delivered the
6 firearm, the name and other information concerning the person
7 taking possession of the firearm, how title or possession of the
8 firearm was obtained and from whom, and a description of the
9 firearm by make, model, serial number, and other identifying
10 characteristics, shall be entered into the Automated Firearms
11 System (AFS) via the California Law Enforcement
12 Telecommunications System (CLETS) by the law enforcement or
13 state agency that transferred or delivered the firearm. Those
14 agencies without access to AFS shall arrange with the sheriff of
15 the county in which the agency is located to input this
16 information via this system.

17 (D) Where the person receiving title or possession of the
18 handgun is a person described in subparagraph (J) of paragraph
19 (2) of subdivision (u), on the date that the person is delivered the
20 firearm, the name and other information concerning the person
21 taking possession of the firearm, how title or possession of the
22 firearm was obtained and from whom, and a description of the
23 firearm by make, model, serial number, and other identifying
24 characteristics, shall be entered into the AFS via the CLETS by
25 the law enforcement or state agency that transferred or delivered
26 the firearm. Those agencies without access to AFS shall arrange
27 with the sheriff of the county in which the agency is located to
28 input this information via this system. In addition, that law
29 enforcement agency shall not deliver that handgun to the person
30 referred to in this subparagraph unless, prior to the delivery of
31 the same, the person presents proof to the agency that he or she is
32 the holder of a handgun safety certificate.

33 (3) Subdivision (d) of Section 12072 shall not apply to a
34 person who takes possession of a firearm by operation of law in a
35 representative capacity who subsequently transfers ownership of
36 the firearm to himself or herself in his or her individual capacity.
37 In the case of a handgun, the individual shall obtain a handgun
38 safety certificate prior to transferring ownership to himself or
39 herself, or taking possession of a handgun in an individual
40 capacity.

(j) Subdivision (d) of Section 12072 and subdivision (b) of Section 12801 shall not apply to deliveries, transfers, or returns of firearms made pursuant to Section 12028, 12028.5, or 12030.

(k) ~~Section~~ Sections 12071, 12071.1, 12071.2, 12071.3, 12071.5, subdivision (c) of Section 12072, and subdivision (b) of Section 12801 shall not apply to any of the following:

(1) The delivery, sale, or transfer of unloaded firearms that are not handguns by a dealer to another dealer upon proof of compliance with the requirements of paragraph (1) of subdivision (f) of Section 12072.

(2) The delivery, sale, or transfer of unloaded firearms by dealers to persons who reside outside this state who are licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(3) The delivery, sale, or transfer of unloaded firearms to a wholesaler if the firearms are being returned to the wholesaler and are intended as merchandise in the wholesaler's business.

(4) The delivery, sale, or transfer of unloaded firearms by one dealer to another dealer if the firearms are intended as merchandise in the receiving dealer's business upon proof of compliance with the requirements of paragraph (1) of subdivision (f) of Section 12072.

(5) The delivery, sale, or transfer of an unloaded firearm that is not a handgun by a dealer to himself or herself.

(6) The loan of an unloaded firearm by a dealer who also operates a target facility that holds a business or regulatory license on the premises of the building designated in the license or whose building designated in the license is on the premises of any club or organization organized for the purposes of practicing shooting at targets upon established ranges, whether public or private, to a person at that target facility or that club or organization, if the firearm is at all times kept within the premises of the target range or on the premises of the club or organization.

(l) A person who is exempt from subdivision (d) of Section 12072 or is otherwise not required by law to report his or her acquisition, ownership, or disposal of a handgun or who moves out of this state with his or her handgun may submit a report of

1 the same to the Department of Justice in a format prescribed by
2 the department.

3 (m) Subdivision (d) of Section 12072 and subdivision (b) of
4 Section 12801 shall not apply to the delivery, sale, or transfer of
5 unloaded firearms to a wholesaler as merchandise in the
6 wholesaler's business by manufacturers or importers licensed to
7 engage in that business pursuant to Chapter 44 (commencing
8 with Section 921) of Title 18 of the United States Code and the
9 regulations issued pursuant thereto, or by another wholesaler, if
10 the delivery, sale, or transfer is made in accordance with Chapter
11 44 (commencing with Section 921) of Title 18 of the United
12 States Code.

13 (n) (1) The waiting period described in Section ~~12071~~
14 ~~12071.2~~ or 12072 shall not apply to the delivery, sale, or transfer
15 of a handgun by a dealer in either of the following situations:

16 (A) The dealer is delivering the firearm to another dealer and
17 it is not intended as merchandise in the receiving dealer's
18 business.

19 (B) The dealer is delivering the firearm to himself or herself
20 and it is not intended as merchandise in his or her business.

21 (2) In order for this subdivision to apply, both of the following
22 shall occur:

23 (A) If the dealer is receiving the firearm from another dealer,
24 the dealer receiving the firearm shall present proof to the dealer
25 delivering the firearm that he or she is licensed pursuant to
26 Section 12071 by complying with paragraph (1) of subdivision
27 (f) of Section 12072.

28 (B) Whether the dealer is delivering, selling, or transferring
29 the firearm to himself or herself or to another dealer, on the date
30 that the application to purchase is completed, the dealer
31 delivering the firearm shall forward by prepaid mail to the
32 Department of Justice a report of the same and the type of
33 information concerning the purchaser or transferee as is indicated
34 in subdivision (b) of Section 12077. Where the electronic or
35 telephonic transfer of applicant information is used, on the date
36 that the application to purchase is completed, the dealer
37 delivering the firearm shall transmit an electronic or telephonic
38 report of the same and the type of information concerning the
39 purchaser or transferee as is indicated in subdivision (b) of
40 Section 12077.

(o) ~~Section~~ *Sections* 12071, 12071.1, 12071.2, 12071.3, 12071.5 and subdivisions (c) and (d) of Section 12072 shall not apply to the delivery, sale, or transfer of firearms regulated pursuant to Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275), if the delivery, sale, or transfer is conducted in accordance with the applicable provisions of Section 12020, Chapter 2 (commencing with Section 12200), or Chapter 2.3 (commencing with Section 12275).

(p) (1) Paragraph (3) of subdivision (a) and subdivision (d) of Section 12072 shall not apply to the loan of a firearm that is not a handgun to a minor, with the express permission of the parent or legal guardian of the minor, if the loan does not exceed 30 days in duration and is for a lawful purpose.

(2) Paragraph (3) of subdivision (a) of Section 12072, subdivision (d) of Section 12072, and subdivision (b) of Section 12801 shall not apply to the loan of a handgun to a minor by a person who is not the parent or legal guardian of the minor if all of the following circumstances exist:

(A) The minor has the written consent of his or her parent or legal guardian that is presented at the time of, or prior to the time of, the loan, or is accompanied by his or her parent or legal guardian at the time the loan is made.

(B) The minor is being loaned the firearm for the purpose of engaging in a lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(C) The duration of the loan does not exceed the amount of time that is reasonably necessary to engage in the lawful, recreational sport, including, but not limited to, competitive shooting, or agricultural, ranching, or hunting activity, or a motion picture, television, or video production, or entertainment or theatrical event, the nature of which involves the use of a firearm.

(D) The duration of the loan does not, in any event, exceed 10 days.

(3) Paragraph (3) of subdivision (a), and subdivision (d), of Section 12072, and subdivision (b) of Section 12801 shall not

1 apply to the loan of a handgun to a minor by his or her parent or
2 legal guardian if both of the following circumstances exist:

3 (A) The minor is being loaned the firearm for the purposes of
4 engaging in a lawful, recreational sport, including, but not
5 limited to, competitive shooting, or agricultural, ranching, or
6 hunting activity, or a motion picture, television, or video
7 production, or entertainment or theatrical event, the nature of
8 which involves the use of a firearm.

9 (B) The duration of the loan does not exceed the amount of
10 time that is reasonably necessary to engage in the lawful,
11 recreational sport, including, but not limited to, competitive
12 shooting, or agricultural, ranching, or hunting activity, or a
13 motion picture, television, or video production, or entertainment
14 or theatrical event, the nature of which involves the use of a
15 firearm.

16 (4) Paragraph (3) of subdivision (a), and subdivision (d), of
17 Section 12072 shall not apply to the transfer or loan of a firearm
18 that is not a handgun to a minor by his or her parent or legal
19 guardian.

20 (5) Paragraph (3) of subdivision (a), and subdivision (d), of
21 Section 12072 shall not apply to the transfer or loan of a firearm
22 that is not a handgun to a minor by his or her grandparent who is
23 not the legal guardian of the minor if the transfer is done with the
24 express permission of the parent or legal guardian of the minor.

25 (6) Subparagraph (A) of paragraph (3) of subdivision (a) of
26 Section 12072 shall not apply to the sale of a handgun if both of
27 the following requirements are satisfied:

28 (A) The sale is to a person who is at least 18 years of age.

29 (B) The firearm is an antique firearm as defined in paragraph
30 (16) of subsection (a) of Section 921 of Title 18 of the United
31 States Code.

32 (q) Subdivision (d) of Section 12072 shall not apply to the
33 loan of a firearm that is not a handgun to a licensed hunter for
34 use by that licensed hunter for a period of time not to exceed the
35 duration of the hunting season for which that firearm is to be
36 used.

37 (r) The waiting period described in Section ~~12071~~, 12071.2,
38 12072, or 12084 shall not apply to the delivery, sale, or transfer
39 of a firearm to the holder of a special weapons permit issued by
40 the Department of Justice issued pursuant to Section 12095,

1 12230, 12250, or 12305. On the date that the application to
2 purchase is completed, the dealer delivering the firearm or the
3 law enforcement agency processing the transaction pursuant to
4 Section 12084, shall forward by prepaid mail to the Department
5 of Justice a report of the same as described in subdivision (b) or
6 (c) of Section 12077 or Section 12084. If the electronic or
7 telephonic transfer of applicant information is used, on the date
8 that the application to purchase is completed, the dealer
9 delivering the firearm shall transmit to the Department of Justice
10 an electronic or telephonic report of the same as is indicated in
11 subdivision (b) or (c) of Section 12077.

12 (s) (1) Subdivision (d) of Section 12072 and subdivision (b)
13 of Section 12801 shall not apply to the infrequent loan of an
14 unloaded firearm by a person who is neither a dealer as defined
15 in Section 12071 nor a federal firearms licensee pursuant to
16 Chapter 44 of Title 18 of the United States Code, to a person 18
17 years of age or older for use solely as a prop in a motion picture,
18 television, video, theatrical, or other entertainment production or
19 event.

20 (2) Subdivision (d), and paragraph (1) of subdivision (f), of
21 Section 12072, and subdivision (b) of Section 12801 shall not
22 apply to the loan of an unloaded firearm by a person who is not a
23 dealer as defined in Section 12071 but who is a federal firearms
24 licensee pursuant to Chapter 44 of Title 18 of the United States
25 Code, to a person who possesses a valid entertainment firearms
26 permit issued pursuant to Section 12081, for use solely as a prop
27 in a motion picture, television, video, theatrical, or other
28 entertainment production or event. The person loaning the
29 firearm pursuant to this paragraph shall retain a photocopy of the
30 entertainment firearms permit as proof of compliance with this
31 requirement.

32 (3) ~~Subdivision (b) of Section 12071~~ *Sections 12071.1,*
33 *12071.2, 12071.3, 12071.5,* subdivision (c) of, and paragraph (1)
34 of subdivision (f) of, Section 12072, and subdivision (b) of
35 Section 12801 shall not apply to the loan of an unloaded firearm
36 by a dealer as defined in Section 12071, to a person who
37 possesses a valid entertainment firearms permit issued pursuant
38 to Section 12081, for use solely as a prop in a motion picture,
39 television, video, theatrical, or other entertainment production or

1 event. The dealer shall retain a photocopy of the entertainment
2 firearms permit as proof of compliance with this requirement.

3 (t) (1) The waiting period described in ~~Sections 12071,~~
4 *Section 12071.2*, 12072, and 12084 shall not apply to the sale,
5 delivery, loan, or transfer of a firearm that is a curio or relic, as
6 defined in Section 478.11 of Title 27 of the Code of Federal
7 Regulations, or its successor, by a dealer or through a law
8 enforcement agency to a person who is licensed as a collector
9 pursuant to Chapter 44 (commencing with Section 921) of Title
10 18 of the United States Code and the regulations issued pursuant
11 thereto who has a current certificate of eligibility issued to him or
12 her by the Department of Justice pursuant to Section 12071. On
13 the date that the delivery, sale, or transfer is made, the dealer
14 delivering the firearm or the law enforcement agency processing
15 the transaction pursuant to Section 12084, shall forward by
16 prepaid mail to the Department of Justice a report of the
17 transaction pursuant to subdivision (b) of Section 12077 or
18 Section 12084. If the electronic or telephonic transfer of
19 applicant information is used, on the date that the application to
20 purchase is completed, the dealer delivering the firearm shall
21 transmit to the Department of Justice an electronic or telephonic
22 report of the transaction as is indicated in subdivision (b) or (c)
23 of Section 12077.

24 (2) Subdivision (d) of Section 12072 shall not apply to the
25 infrequent sale, loan, or transfer of a firearm that is not a
26 handgun, which is a curio or relic manufactured at least 50 years
27 prior to the current date, but not including replicas thereof, as
28 defined in Section 478.11 of Title 27 of the Code of Federal
29 Regulations, or its successor.

30 (u) As used in this section:

31 (1) "Infrequent" has the same meaning as in paragraph (1) of
32 subdivision (c) of Section 12070.

33 (2) "A person taking title or possession of firearms by
34 operation of law" includes, but is not limited to, any of the
35 following instances wherein an individual receives title to, or
36 possession of, firearms:

37 (A) The executor or administrator of an estate if the estate
38 includes firearms.

1 (B) A secured creditor or an agent or employee thereof when
2 the firearms are possessed as collateral for, or as a result of, a
3 default under a security agreement under the Commercial Code.

4 (C) A levying officer, as defined in Section 481.140, 511.060,
5 or 680.260 of the Code of Civil Procedure.

6 (D) A receiver performing his or her functions as a receiver if
7 the receivership estate includes firearms.

8 (E) A trustee in bankruptcy performing his or her duties if the
9 bankruptcy estate includes firearms.

10 (F) An assignee for the benefit of creditors performing his or
11 her functions as an assignee, if the assignment includes firearms.

12 (G) A transmutation of property consisting of firearms
13 pursuant to Section 850 of the Family Code.

14 (H) Firearms passing to a surviving spouse pursuant to
15 Chapter 1 (commencing with Section 13500) of Part 2 of
16 Division 8 of the Probate Code.

17 (I) Firearms received by the family of a police officer or
18 deputy sheriff from a local agency pursuant to Section 50081 of
19 the Government Code.

20 (J) The transfer of a firearm by a law enforcement agency to
21 the person who found the firearm where the delivery is to the
22 person as the finder of the firearm pursuant to Article 1
23 (commencing with Section 2080) of Chapter 4 of Division 3 of
24 the Civil Code.

25 SEC. 23. Section 12082 of the Penal Code is amended to
26 read:

27 12082. (a) A person shall complete any sale, loan, or transfer
28 of a firearm through a person licensed pursuant to Section 12071
29 in accordance with this section in order to comply with
30 subdivision (d) of Section 12072. The seller or transferor or the
31 person loaning the firearm shall deliver the firearm to the dealer
32 who shall retain possession of that firearm. The dealer shall then
33 deliver the firearm to the purchaser or transferee or the person
34 being loaned the firearm, if it is not prohibited, in accordance
35 with subdivision (c) of Section 12072. If the dealer cannot legally
36 deliver the firearm to the purchaser or transferee or the person
37 being loaned the firearm, the dealer shall forthwith, without
38 waiting for the conclusion of the waiting period described in
39 Sections ~~12071~~ 12071.2 and 12072, return the firearm to the
40 transferor or seller or the person loaning the firearm. The dealer

1 shall not return the firearm to the seller or transferor or the
2 person loaning the firearm when to do so would constitute a
3 violation of subdivision (a) of Section 12072. If the dealer cannot
4 legally return the firearm to the transferor or seller or the person
5 loaning the firearm, then the dealer shall forthwith deliver the
6 firearm to the sheriff of the county or the chief of police or other
7 head of a municipal police department of any city or city and
8 county who shall then dispose of the firearm in the manner
9 provided by Sections 12028 and 12032. The purchaser or
10 transferee or person being loaned the firearm may be required by
11 the dealer to pay a fee not to exceed ten dollars (\$10) per firearm,
12 and no other fee may be charged by the dealer for a sale, loan, or
13 transfer of a firearm conducted pursuant to this section, except
14 for the applicable fee that the Department of Justice may charge
15 pursuant to Section 12076. Nothing in these provisions shall
16 prevent a dealer from charging a smaller fee. The fee that the
17 department may charge is the fee that would be applicable
18 pursuant to Section 12076, if the dealer was selling, transferring,
19 or delivering a firearm to a purchaser or transferee or person
20 being loaned a firearm, without any other parties being involved
21 in the transaction.

22 (b) The Attorney General shall adopt regulations under this
23 section to do all of the following:

24 (1) Allow the seller or transferor of the person loaning the
25 firearm, and the purchaser or transferee or the person being
26 loaned the firearm, to complete a sale, loan, or transfer through a
27 dealer, and to allow those persons and the dealer to comply with
28 the requirements of this section and Sections 12071, *12071.1*,
29 *12071.2*, *12071.3*, *12071.5*, 12072, 12076, and 12077 and to
30 preserve the confidentiality of those records.

31 (2) Where a personal handgun importer is selling or
32 transferring a pistol, revolver, or other firearm capable of being
33 concealed upon the person to comply with clause (ii) of
34 subparagraph (A) of paragraph (2) of subdivision (f) of Section
35 12072, to allow a personal handgun importer's ownership of the
36 pistol, revolver, or other firearm capable of being concealed upon
37 the person being sold or transferred to be recorded in a manner
38 that if the firearm is returned to that personal handgun importer
39 because the sale or transfer cannot be completed, the Department
40 of Justice will have sufficient information about that personal

1 handgun importer so that a record of his or her ownership can be
2 maintained in the registry provided by subdivision (c) of Section
3 11106.

4 (3) Ensure that the register or record of electronic transfer
5 shall state the name and address of the seller or transferor of the
6 firearm or the person loaning the firearm and whether or not the
7 person is a personal handgun importer in addition to any other
8 information required by Section 12077.

9 (c) Notwithstanding any other provision of law, a dealer who
10 does not sell, transfer, or keep an inventory of handguns is not
11 required to process private party transfers of handguns.

12 (d) A violation of this section by a dealer is a misdemeanor.

13 SEC. 24. Section 12084 of the Penal Code is amended to
14 read:

15 12084. (a) As used in this section, the following definitions
16 apply:

17 (1) "Agency" means a sheriff's department in a county of less
18 than 200,000 persons, according to the most recent federal
19 decennial census, that elects to process purchases, sales, loans, or
20 transfers of firearms.

21 (2) "Seller" means the seller or transferor of a firearm or the
22 person loaning the firearm.

23 (3) "Purchaser" means the purchaser or transferee of a firearm
24 or the person being loaned a firearm.

25 (4) "Purchase" means the purchase, loan, sale, or transfer of a
26 firearm.

27 (5) "Department" means the Department of Justice.

28 (6) "LEFT" means the Law Enforcement Firearms Transfer
29 Form consisting of the transfer form utilized to purchase a
30 firearm in accordance with this section.

31 (b) As an alternative to completing the sale, transfer, or loan of
32 a firearm through a licensed dealer pursuant to Section 12082,
33 the parties to the purchase of a firearm may complete the
34 transaction through an agency in accordance with this section in
35 order to comply with subdivision (d) of Section 12072.

36 (c) (1) LEFTs shall be prepared by the State Printer and shall
37 be furnished to agencies on application at a cost to be determined
38 by the Department of General Services for each 100 leaves in
39 quintuplicate, one original and four duplicates for the making of
40 carbon copies. The original and duplicate copies shall differ in

1 color, and shall be in the form provided by this section. The State
2 Printer, upon issuing the LEFT, shall forward to the department
3 the name and address of the agency together with the series and
4 sheet numbers on the LEFT. The LEFT shall not be transferable.

5 (2) The department shall prescribe the form of the LEFT. It
6 shall be in the same exact format set forth in Sections 12077 and
7 12082, with the same distinct formats for firearms that are
8 pistols, revolvers, and other firearms capable of being concealed
9 upon the person and for firearms that are not pistols, revolvers,
10 and other firearms capable of being concealed upon the person,
11 except that, instead of the listing of information concerning a
12 dealer, the LEFT shall contain the name, telephone number, and
13 address of the law enforcement agency.

14 (3) The original of each LEFT shall be retained in consecutive
15 order. Each book of 50 originals shall become the permanent
16 record of transactions that shall be retained not less than three
17 years from the date of the last transaction and shall be provided
18 for the inspection of any peace officer, department employee
19 designated by the Attorney General, or agent of the federal
20 Bureau of Alcohol, Tobacco and Firearms upon the presentation
21 of proper identification.

22 (4) Ink shall be used to complete each LEFT. The agency shall
23 ensure that all information is provided legibly. The purchaser and
24 seller shall be informed that incomplete or illegible information
25 delays purchases.

26 (5) Each original LEFT shall contain instructions regarding the
27 procedure for completion of the form and the routing of the form.
28 The agency shall comply with these instructions which shall
29 include the information set forth in this subdivision.

30 (6) One firearm transaction shall be reported on each LEFT.
31 For purposes of this paragraph, a "transaction" means a single
32 sale, loan, or transfer of any number of firearms that are not
33 pistols, revolvers, or other firearms capable of being concealed
34 upon the person between the same two persons.

35 (d) The following procedures shall be followed in processing
36 the purchase:

37 (1) Without waiting for the conclusion of any waiting period
38 to elapse, the seller shall immediately deliver the firearm to the
39 agency solely to complete the LEFT. Upon completion of the

1 LEFT, the firearm shall be immediately returned by the agency to
2 the seller without waiting for the waiting period to elapse.

3 (2) The purchaser shall be required to present clear evidence
4 of his or her identity and age, as defined in Section ~~12071~~
5 *12071.2*, to the agency. The agency shall require the purchaser to
6 complete the original and one copy of the LEFT. An employee of
7 the agency shall then affix his or her signature as a witness to the
8 signature and identification of the purchaser.

9 (3) Two copies of the LEFT shall, on that date of purchase, be
10 placed in the mail, postage prepaid to the department at
11 Sacramento. The third copy shall be provided to the purchaser
12 and the fourth copy to the seller.

13 (4) The department shall examine its records, as well as those
14 records that it is authorized to request from the State Department
15 of Mental Health pursuant to Section 8104 of the Welfare and
16 Institutions Code, in order to determine if the purchaser is a
17 person described in Section 12021 or 12021.1 of this code or
18 Section 8100 or 8103 of the Welfare and Institutions Code.

19 (5) If the department determines that the copies of the LEFT
20 submitted to it pursuant to paragraph (3) contain any blank
21 spaces or inaccurate, illegible, or incomplete information,
22 preventing identification of the purchaser or the firearm to be
23 purchased, or if any fee required pursuant to paragraph (6) is not
24 submitted by the agency in conjunction with submission of the
25 copies of the LEFT, or if the department determines that the
26 person is a person described in Section 12021 or 12021.1 of this
27 code or Section 8100 or 8103 of the Welfare and Institutions
28 Code, it shall immediately notify the agency of that fact. Upon
29 notification by the department, the purchaser shall submit any fee
30 required pursuant to paragraph (6), as appropriate, and, if
31 notification by the department is received by the agency at any
32 time prior to delivery of the firearm, the delivery of the firearm
33 shall be withheld until the conclusion of the waiting period
34 described in paragraph (7).

35 (6) (A) The agency may charge a fee, not to exceed actual
36 cost, sufficient to reimburse the agency for processing the
37 transfer.

38 (B) The department may charge a fee, not to exceed actual
39 cost, sufficient to reimburse the department for providing the

1 information. The department shall charge the same fee that it
2 would charge a dealer pursuant to Section 12082.

3 (7) The firearm shall not be delivered to the purchaser as
4 follows:

5 (A) Prior to April 1, 1997, within 15 days of the application to
6 purchase a pistol, revolver, or other firearm capable of being
7 concealed upon the person, or, after notice by the department
8 pursuant to paragraph (5), within 15 days of the submission to
9 the department of any fees required pursuant to this subdivision,
10 or within 15 days of the submission to the department of any
11 correction to the LEFT, whichever is later. Prior to April 1, 1997,
12 within 10 days of the application to purchase any firearm that is
13 not a pistol, revolver, or other firearm capable of being concealed
14 upon the person, or, after notice by the department pursuant to
15 paragraph (5), within 10 days of the submission to the
16 department of any fees required pursuant to this subdivision, or
17 within 10 days of the submission to the department of any
18 correction to the LEFT, whichever is later. On and after April 1,
19 1997, within 10 days of the application to purchase, or after
20 notice by the department pursuant to paragraph (5), within 10
21 days of the submission to the department of any fees required
22 pursuant to this subdivision, or within 10 days of the submission
23 to the department of any correction to the LEFT, whichever is
24 later.

25 (B) Unless unloaded.

26 (C) In the case of a pistol, revolver, or other firearm capable of
27 being concealed upon the person, unless securely wrapped or in a
28 locked container.

29 (D) Unless the purchaser presents clear evidence of his or her
30 identity and age to the agency.

31 (E) Whenever the agency is notified by the department that the
32 person is in a prohibited class described in Section 12021 or
33 12021.1, or Section 8100 or 8103 of the Welfare and Institutions
34 Code.

35 (F) Unless done at the agency's premises.

36 (G) In the case of a handgun, commencing April 1, 1994, and
37 until January 1, 2003, unless the purchaser presents to the seller a
38 basic firearms safety certificate. Commencing January 1, 2003, in
39 the case of a handgun, unless the purchaser presents to the seller
40 a handgun safety certificate.

1 (H) Unless the purchaser is at least 18 years of age.

2 (e) The action of a law enforcement agency acting pursuant to
3 Section 12084 shall be deemed to be a discretionary act within
4 the meaning of the California Tort Claims Act pursuant to
5 Division 3.6 (commencing with Section 810) of Title 1 of the
6 Government Code.

7 (f) Whenever the Department of Justice acts pursuant to this
8 section as it pertains to firearms other than pistols, revolvers, or
9 other firearms capable of being concealed upon the person, its
10 acts or omissions shall be deemed to be discretionary within the
11 meaning of the California Tort Claims Act pursuant to Division
12 3.6 (commencing with Section 810) of Title 1 of the Government
13 Code.

14 (g) Any person furnishing a fictitious name or address or
15 knowingly furnishing any incorrect information or knowingly
16 omitting any information required to be provided for the LEFT is
17 guilty of a misdemeanor.

18 (h) All sums received by the department pursuant to this
19 section shall be deposited in the Dealers' Record of Sale Special
20 Account of the General Fund.

21 SEC. 25. Section 12086 of the Penal Code is amended to
22 read:

23 12086. (a) (1) As used in this section, "licensee" means a
24 person, firm, or corporation that satisfies both of the following:

25 (A) Has a license issued pursuant to paragraph (2) of
26 subdivision (b).

27 (B) Is among those recorded in the centralized list specified in
28 subdivision (f).

29 (2) As used in this section, "department" means the
30 Department of Justice.

31 (b) (1) The Department of Justice shall accept applications
32 for, and shall grant licenses permitting, the manufacture of
33 firearms within this state. The department shall inform applicants
34 who are denied licenses of the reasons for the denial in writing.

35 (2) No license shall be granted by the department unless and
36 until the applicant presents proof that he or she has all of the
37 following:

38 (A) A valid license to manufacture firearms issued pursuant to
39 Chapter 44 (commencing with Section 921) of Title 18 of the
40 United States Code.

1 (B) Any regulatory or business license, or licenses, required
2 by local government.

3 (C) A valid seller's permit or resale certificate issued by the
4 State Board of Equalization, if applicable.

5 (D) A certificate of eligibility issued by the Department of
6 Justice pursuant to ~~paragraph (4) of subdivision (a) of Section~~
7 12071.

8 (3) The department shall adopt regulations to administer this
9 section and Section 12085 and shall recover the full costs of
10 administering the program by collecting fees from license
11 applicants. Recoverable costs shall include, but not be limited to,
12 the costs of inspections and maintaining a centralized list of
13 licensed firearm manufacturers. The fee for licensed
14 manufacturers who produce fewer than 500 firearms in a
15 calendar year within this state shall not exceed two hundred fifty
16 dollars (\$250) per year or the actual costs of inspections and
17 maintaining a centralized list of firearm manufacturers and any
18 other duties of the department required pursuant to this section
19 and Section 12085, whichever is less.

20 (4) A license granted by the department shall be valid for no
21 more than one year from the date of issuance and shall be in the
22 form prescribed by the Attorney General.

23 (c) A licensee shall comply with the following prohibitions
24 and requirements:

25 (1) The business shall be conducted only in the buildings
26 designated in the license.

27 (2) The license or a copy thereof, certified by the department,
28 shall be displayed on the premises where it can easily be seen.

29 (3) Whenever a licensee discovers that a firearm has been
30 stolen or is missing from the licensee's premises, the licensee
31 shall report the loss or theft within 48 hours of the discovery to
32 all of the following:

33 (A) The Department of Justice, in a manner prescribed by the
34 department.

35 (B) The federal Bureau of Alcohol, Tobacco, and Firearms.

36 (C) The police department in the city or city and county where
37 the building designated in the license is located.

38 (D) If there is no police department in the city or city and
39 county where the building designated in the license is located, the

1 sheriff of the county where the building designated in the license
2 is located.

3 (4) (A) The licensee shall require that each employee obtain a
4 certificate of eligibility pursuant to ~~paragraph (4) of subdivision~~
5 ~~(a) of~~ Section 12071, which shall be renewed annually, prior to
6 being allowed to come into contact with any firearm.

7 (B) The licensee shall prohibit any employee who the licensee
8 knows or reasonably should know is within a class of persons
9 prohibited from possessing firearms pursuant to Section 12021 or
10 12021.1 of this code, or Section 8100 or 8103 of the Welfare and
11 Institutions Code, from coming into contact with any firearm.

12 (5) (A) Each firearm the licensee manufactures in this state
13 shall be identified with a unique serial number stamped onto the
14 firearm utilizing the method of compression stamping.

15 (B) Licensed manufacturers who produce fewer than 500
16 firearms in a calendar year within this state may serialize long
17 guns only by utilizing a method of compression stamping or by
18 engraving the serial number onto the firearm.

19 (C) The licensee shall stamp the serial number onto the
20 firearm within one business day of the time the receiver or frame
21 is manufactured.

22 (D) The licensee shall not use the same serial number for more
23 than one firearm.

24 (6) (A) The licensee shall record the type, model, caliber, or
25 gauge, and serial number of each firearm manufactured or
26 acquired, and the date of the manufacture or acquisition, within
27 one business day of the manufacture or acquisition.

28 (B) The licensee shall maintain permanently within the
29 building designated in the license the records required pursuant
30 to subparagraph (A).

31 (C) Backup copies of the records described in subparagraph
32 (A), whether electronic or hard copy, shall be made at least once
33 a month. These backup records shall be maintained in a facility
34 separate from the one in which the primary records are stored.

35 (7) (A) The licensee shall allow the department to inspect the
36 building designated in the license to ensure compliance with the
37 requirements of this section.

38 (B) The licensee shall allow any peace officer, authorized law
39 enforcement employee, or Department of Justice employee
40 designated by the Attorney General, upon the presentation of

1 proper identification, to inspect facilities and records during
2 business hours to ensure compliance with the requirements of
3 this section.

4 (8) The licensee shall store in a secure facility all firearms
5 manufactured and all barrels for firearms manufactured.

6 (9) (A) The licensee shall notify the chief of police or other
7 head of the municipal police department in the city or city and
8 county where the building designated in the license is located
9 that the licensee is manufacturing firearms within that city or city
10 and county and the location of the licensed premises.

11 (B) If there is no police department in the city or city and
12 county where the building designated in the license is located, the
13 licensee shall notify the sheriff of the county where the building
14 designated in the license is located that the licensee is
15 manufacturing firearms within that county and the location of the
16 licensed premises.

17 (10) For at least 10 years, the licensee shall maintain records
18 of all firearms that are lost or stolen, as prescribed by the
19 department.

20 (d) Except as otherwise provided in subdivision (e), as used in
21 this section, a “secure facility” means that the facility satisfies all
22 of the following:

23 (1) The facility is equipped with a burglar alarm with central
24 monitoring.

25 (2) All perimeter entries to areas in which firearms are stored
26 other than doors, including windows and skylights, are secured
27 with steel window guards or an audible, silent, or sonic alarm to
28 detect entry.

29 (3) All perimeter doorways are designed in one of the
30 following ways:

31 (A) A windowless steel security door equipped with both a
32 deadbolt and a doorknob lock.

33 (B) A windowed metal door equipped with both a deadbolt
34 and a doorknob lock. If the window has an opening of five inches
35 or more measured in any direction, the window is covered with
36 steel bars of at least one-half inch diameter or metal grating of at
37 least nine gauge affixed to the exterior or interior of the door.

38 (C) A metal grate that is padlocked and affixed to the
39 licensee’s premises independent of the door and doorframe.

1 (D) Hinges and hasps attached to doors by welding, riveting,
2 or bolting with nuts on the inside of the door.

3 (E) Hinges and hasps installed so that they cannot be removed
4 when the doors are closed and locked.

5 (4) Heating, ventilating, air-conditioning, and service openings
6 are secured with steel bars, metal grating, or an alarm system.

7 (5) No perimeter metal grates are capable of being entered by
8 any person.

9 (6) Steel bars used to satisfy the requirements of this
10 subdivision are not capable of being entered by any person.

11 (7) Perimeter walls of rooms in which firearms are stored are
12 constructed of concrete or at least 10-gauge expanded steel wire
13 mesh utilized along with typical wood frame and drywall
14 construction. If firearms are not stored in a vault, the facility shall
15 use an exterior security-type door along with a high security,
16 single-key deadbolt, or other door that is more secure. All
17 firearms shall be stored in a separate room away from any
18 general living area or work area. Any door to the storage facility
19 shall be locked while unattended.

20 (8) Perimeter doorways, including the loading dock area, are
21 locked at all times when not attended by paid employees or
22 contracted employees, including security guards.

23 (9) Except when a firearm is currently being tested, any
24 ammunition on the premises is removed from all manufactured
25 guns and stored in a separate and locked room, cabinet, or box
26 away from the storage area for the firearms. Ammunition may be
27 stored with a weapon only in a locked safe.

28 (e) For purposes of this section, any licensed manufacturer
29 who produces fewer than 500 firearms in a calendar year within
30 this state may maintain a "secure facility" by complying with all
31 of the requirements described in subdivision (d), or may design a
32 security plan that is approved by the Department of Justice or the
33 federal Bureau of Alcohol, Tobacco, and Firearms.

34 (1) If a security plan is approved by the federal Bureau of
35 Alcohol, Tobacco, and Firearms, the approved plan, along with
36 proof of approval, shall be filed with the Department of Justice
37 and the local police department. If there is no police department,
38 the filing shall be with the county sheriff's office.

39 (2) If a security plan is approved by the Department of Justice,
40 the approved plan, along with proof of approval, shall be filed

1 with the local police department. If there is no police department,
2 the filing shall be with the county sheriff's office.

3 (f) (1) Except as otherwise provided in this subdivision, the
4 Department of Justice shall maintain a centralized list of all
5 persons licensed pursuant to paragraph (2) of subdivision (b).
6 The centralized list shall be provided annually to each police
7 department and county sheriff within the state.

8 (2) Except as provided in paragraph (3), the license of any
9 licensee who violates this section may be revoked.

10 (3) The license of any licensee who knowingly or with gross
11 negligence violates this section or violates this section three
12 times shall be revoked, and that person, firm, or corporation shall
13 become permanently ineligible to obtain a license pursuant to this
14 section.

15 (g) (1) Upon the revocation of the license, notification shall
16 be provided to local law enforcement authorities in the
17 jurisdiction where the licensee's business is located and to the
18 federal Bureau of Alcohol, Tobacco, and Firearms.

19 (2) The department shall make information concerning the
20 location and name of a licensee available, upon request, for the
21 following purposes only:

22 (A) Law enforcement.

23 (B) When the information is requested by a person licensed
24 pursuant to Chapter 44 (commencing with Section 921) of Title
25 18 of the United States Code for determining the validity of the
26 license for firearm shipments.

27 (3) Notwithstanding paragraph (2), the department shall make
28 the name and business address of a licensee available to any
29 person upon written request.

30 (h) The Department of Justice shall maintain and make
31 available upon request information concerning the number of
32 inspections conducted and the amount of fees collected pursuant
33 to paragraph (3) of subdivision (b), the number of licensees
34 removed from the centralized list described in subdivision (f),
35 and the number of licensees found to have violated this section.

36 SEC. 26. Section 12804 of the Penal Code is amended to
37 read:

38 12804. (a) (1) The department shall develop an instruction
39 manual in English and in Spanish by October 1, 2002. The
40 department shall make the instructional manual available to

1 firearms dealers licensed pursuant to Section 12071, who shall
2 make it available to the general public. Essential portions of the
3 manual may be included in the pamphlet described in Section
4 12080.

5 (2) *Any firearms sales contracts contained in the instruction*
6 *manual shall have conspicuously printed on the first page, the*
7 *following warning:*

8 *“Warning: The State of California has determined that guns in*
9 *the home are much more likely to be used to kill or injure a*
10 *household member than to protect against an attacker. It is safest*
11 *not to keep a gun in the home. If a gun is kept in the home, it*
12 *should be kept unloaded and securely locked, with the*
13 *ammunition locked up separately.”*

14 (b) The department shall develop audiovisual materials in
15 English and in Spanish by March 1, 2003, to be issued to
16 instructors certified by the department.

17 (c) (1) The department shall develop a written objective test,
18 in English and in Spanish, and prescribe its content, form, and
19 manner, to be administered by an instructor certified by the
20 department. If the person taking the test is unable to read, the
21 examination shall be administered orally. The test shall cover,
22 but not be limited to, all of the following:

23 (A) The laws applicable to carrying and handling firearms,
24 particularly handguns.

25 (B) The responsibilities of ownership of firearms, particularly
26 handguns.

27 (C) Current law as it relates to the private sale and transfer of
28 firearms.

29 (D) Current law as it relates to the permissible use of lethal
30 force.

31 (E) What constitutes safe firearm storage.

32 (F) Issues associated with bringing a handgun into the home.

33 (G) Prevention strategies to address issues associated with
34 bringing firearms into the home.

35 (2) If the person taking the test is unable to read English or
36 Spanish, the test may be applied orally by a translator.

37 (d) The department shall prescribe a minimum level of skill,
38 knowledge and competency to be required of all handgun safety
39 certificate instructors.

1 (e) If a dealer licensed pursuant to Section 12071 or his or her
2 employee, or where the managing officer or partner is certified as
3 an instructor pursuant to this article, he or she shall also
4 designate a separate room or partitioned area for a person to take
5 the objective test, and maintain adequate supervision to assure
6 that no acts of collusion occur while the objective test is being
7 administered.

8 (f) The department shall solicit input from any reputable
9 association or organization, including any law enforcement
10 association that has as one of its objectives the promotion of
11 firearms safety, in the development of the handgun safety
12 certificate instructional materials.

13 (g) The department shall develop handgun safety certificates
14 to be issued by instructors certified by the department, to those
15 persons who have complied with this article.

16 (h) The department shall be immune from any liability arising
17 from implementing this section.

18 (i) The department shall update test materials related to this
19 article every five years.

20 (j) Department Certified Instructor applicants shall have a
21 certification to provide training from one of the following
22 organizations as specified, or any entity found by the department
23 to give comparable instruction in firearms safety, or the applicant
24 shall have similar or equivalent training to that provided by the
25 following, as determined by the department:

26 (1) Department of Consumer Affairs, State of
27 California-Firearm Training Instructor.

28 (2) Director of Civilian Marksmanship, Instructor or
29 Rangemaster.

30 (3) Federal Government, Certified Rangemaster or Firearm
31 Instructor.

32 (4) Federal Law Enforcement Training Center, Firearm
33 Instructor Training Program or Rangemaster.

34 (5) United States Military, Military Occupational Specialty
35 (MOS) as marksmanship or firearms instructor. Assignment as
36 Range Officer or Safety Officer are not sufficient.

37 (6) National Rifle Association-Certified Instructor, Law
38 Enforcement Instructor, Rangemaster, or Training Counselor.

39 (7) Commission on Peace Officer Standards and Training
40 (POST), State of California-Firearm Instructor or Rangemaster.

- 1 (8) Authorization from a State of California accredited school
- 2 to teach a firearm training course.

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